

ILLINOIS POLLUTION CONTROL BOARD
March 13, 1975

LEWIS UNIVERSITY,)	
)	
Petitioner,)	
)	
vs.)	PCB 74-478
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Henss):

Lewis University requests extension of a variance which was previously granted from Rule 404(f) of the Water Pollution Control Regulations. The prior variance expired December 31, 1974 and Petitioner now seeks to extend the variance until December 31, 1975.

Petitioner is a private university located within the corporate limits of Lockport, Illinois. The University owns and operates a contact stabilization sewage treatment plant which provides treatment of domestic waste water generated by the University's 3,000 students. The design average flow of said plant is 115,000 gallons per day. During a twelve month period ending November 31, 1974 the plant experienced an average daily flow of 108,000 gallons. Petitioner estimates its current influent at 145 mg/l BOD and 114 mg/l suspended solids and current effluent at 5 mg/l BOD and 6 mg/l suspended solids. Discharge from the plant enters an unnamed ditch tributary to the Des Plaines River.

Data submitted by Petitioner to the Agency in PCB 73-475 when compared to recent data shows that effluent quality is worse than Petitioner represents and that a trend toward even poorer effluent quality may be developing:

<u>BOD₅ (mg/l)</u>				<u>Suspended Solids (mg/l)</u>			
<u>1973</u>		<u>1974</u>		<u>1973</u>		<u>1974</u>	
July	6	March	18	July	11	March	18
August	4	April	19	August	9	April	29
Sept.	13	May	16	Sept.	10	May	13
		June	11			June	7
		July	-			July	20
		August	27			August	-
		Sept.	-			Sept.	44
Average		7.7		18.2		10.0	
		21.8					

Petitioner asked Lockport to provide sewer and water facilities to the University. When these negotiations failed, the University sought relief from the Circuit Court of the Twelfth Judicial Circuit. In July 1973 Lewis University asked the Court for permission to disconnect from the City of Lockport in order that the University could immediately annex to the Village of Romeoville which had expressed a willingness and capability to provide water and sewer service.

Although Petitioner anticipated trial on its Court petition in January 1974, numerous continuances delayed the trial. Trial was finally scheduled for December 23, 1974. The Agency states that the hearing was conducted and that the parties were ordered to submit briefs within three weeks, after which time the judge was expected to enter his order.

In PCB 73-475 Petitioner alleged that immediate compliance with Rule 404(f) would force the installation of a tertiary filtration system costing \$55,000. Such installation could place an arbitrary and unreasonable hardship upon the University since the University faced the same financial difficulty that had caused other institutions of higher learning to fail. Petitioner pledged immediate action on the installation of the tertiary filtration system in the event the Court denied the petition for disconnection from Lockport. Petitioner further pledged to achieve compliance either through the tertiary filtration system at its own treatment plant or by connection to the Romeoville plant no later than December 31, 1974.

Petitioner now states that immediate compliance would cost \$100,000 and that such cost cannot be met without increasing tuition rates. An increase in tuition rates would cause reduced enrollments which could lead to total financial failure of the University. Variance approval would provide the time necessary to accomplish "regionalization of waste treatment".

Data submitted by the Agency shows that the Village of Romeoville South treatment plant is currently not in compliance with Rule 404(f). Despite non-compliance, the Agency believes that Romeoville can accept sewage from Petitioner without further degradation in effluent from the treatment plant. The South treatment plant currently operates at less than half its design capacity. Even with Petitioner's sewage, flows to the South treatment plant would be well within design capacity.

The Agency believes Petitioner has acted in good faith and has provided sufficient showing of possible arbitrary and unreasonable hardship, especially since a Court decision appears imminent. The Agency also states that Petitioner's effort at regionalization is the most reasonable and environmentally sound means of resolving this sewage treatment problem.

On the record presented, the Board agrees that Petitioner has met the requirements for receiving a variance. However, the Board is concerned over data submitted in this matter which shows that Petitioner's effluent degraded substantially in 1974 as compared to 1973. This may possibly indicate that Petitioner has not maintained the high degree of plant efficiency required because of the possibility of connection to the Romeoville treatment plant.

Therefore, as a condition to the grant of this variance, it must be required that the University attempt to reduce its contaminant concentrations.

ORDER

It is the Order of the Pollution Control Board that Lewis University be granted a variance from Rule 404(f) of the Illinois Water Pollution Control Regulations from December 31, 1974 to and including December 31, 1975 subject to the following conditions:

1. In the event a connection to the Village of Romeoville cannot be made, Lewis University shall proceed immediately to upgrade its treatment plant to comply with Rule 404(f).
2. In the event a connection to the Village of Romeoville can be made, Lewis University shall begin, at the earliest possible date, to construct the required two mile pipeline.
3. Lewis University shall make every reasonable effort to reduce the BOD and suspended solids concentration in its effluent and shall make bi-monthly reports to the Agency detailing such efforts and results during the term of the variance. Petitioner shall otherwise comply with all requirements of the Regulations regarding reports to the Agency.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 13th day of March, 1975 by a vote of 4 to 0.

Christan L. Moffett