

ILLINOIS POLLUTION CONTROL BOARD
May 16, 1974

VILLAGE OF POTOMAC)
PETITIONER)

v.)

PCB 74-15

ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)

MR. FRED L. HUBBARD, ATTORNEY, in behalf of the VILLAGE OF POTOMAC
MR. STEPHEN H. GUNNING, ATTORNEY, in behalf of the ENVIRONMENTAL
PROTECTION AGENCY

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This action involves a request for variance filed January 10, 1974, by the Village of Potomac. Relief is sought from Rule 408 of Chapter 3 of the Board's Rules and Regulations, as it pertains to dissolved solids and chlorides.

The Village of Potomac is located in Vermillion County and has a present population of 900 people. The Village owns and operates a water treatment plant which produces potable water for its citizens. This plant, in operation since 1953, can not produce water of the quality and quantity required by the Village, as such expansion and modernization have become necessary. The original plant was funded by non-callable revenue bonds scheduled for full debt service in 1989. Because of a clause in said bonds guaranteeing that improvements will be made to protect the investment, notification by the Agency in 1971 of need for such improvements, and the abovementioned lack of supply, the Village has undertaken to remedy the situation.

On June 9, 1972, the Village Board, after public notice, held a referendum which authorized \$90,000 of general obligation bonds. Because of unexpectedly high bids for the improvements (low bid \$122,255), the scope of the project was changed to fit the available funds.

Present and Proposed Plants: The present water plant includes water softening (ion exchangers) and iron filtration equipment. Petitioner proposes to replace its iron filter with two additional units, replace its zeolite softener, and add a common wastewater backwash filter and holding tank. The proposed expansion will provide adequate capacity until the year 1982.

Presently discharges from the plant go directly into storm sewers and thence to Blue Grass Creek, which is approximately 1000 feet upstream of the mouth of the North Fork of the Vermillion River. These discharges contain a peak discharge of 80,000 mg/l dissolved solids (Rule 408 (b) requires no greater than 3500 mg/l). The proposed holding tank and metered pumping (5 gpm) would, in the Agency's opinion, reduce this level to between 5000 mg/l and 7640 mg/l. Although this value is above the required 3500 mg/l, the Agency feels that this is the best economically and technically feasible solution. The problem with complete compliance centers around the fact that the Village of Potomac has no waste treatment facilities. All sanitary wastes are handled by privately owned septic tanks. Because of this, the Village has no practical method of disposing of said brine.

This case can be distinguished from Gallatin-White Water District, Inc. v. Environmental Protection Agency (PCB 72-448 9-615) in two respects:

- 1) Gallatin-White involved a totally new plant, while this action involves an addition to an existing plant.
- 2) Testimony in Gallatin-White indicated that discharges from their plant were a potential source of contamination of ground waters. In this instance the wastes will be discharged directly to a storm sewer, thereby decreasing this possibility.

In Gallatin-White the variance was denied, because in the Agency's opinion, lime softening would be a better alternate. In the instant case "conversion" to lime softening would require a fresh start and effectively negate the use of existing facilities. Petitioner alleges that there is no margin of funds for alternate technology and that indeed they are shifting federal revenue sharing funds to this project to meet required costs.

Hardship: Petitioner alleges that an unreasonable hardship would be imposed if said variance were denied. Petitioner would find itself in violation of two bond ordinances as well as an Illinois Pollution Control Board regulation. Further, it is alleged that an increase in water revenue rates would increase the probability of customers seeking alternate water supplies. This would create a financial spiral which could only serve to deflate any gains which Petitioner has proposed. Furthermore, the Board takes note that individual wells are not state-controlled, and use of such wells has a higher potential for hazardous operation than does a regulated water system.

Environmental Impact: Petitioner alleges and the Agency agrees that the discharge from the proposed plant should have a negligible effect on the water quality of the receiving stream.

The contention of minimal environmental impact is based on a num-

ber of facts on the record. Although there is nothing on the record to indicate the low flow of Blue Grass Creek, the North Fork of the Vermillion River is a substantial stream affording good dilution. Petition contends that there have been no reports of fish kills in the stream. The Agency contends that even in an undiluted state, Petitioner's discharge will have minimal environmental effects on the receiving stream.

The following is a recent analysis of Petitioner's discharges:

Total Iron	135 mg/l
Total Manganese	1.83 mg/l
Dissolved Iron	0.06 mg/l
Dissolved Manganese	0.10 mg/l

The Agency contends that in addition to substantial reductions in the peak load of total dissolved solids, there will be a significant reduction in total suspended solids (e.g., iron and manganese). It is the Board's opinion that the minor environmental impact is greatly outweighed by the potential hardship which could be generated should this variance be denied.

The Board is cognizant of the fact that this variance provides no compliance plan to reduce levels below those required in Rule 408 (b). In this specific case the Board relieves Petitioner of the obligation of a firm compliance plan. This is done for the following reasons:

- 1) The minimal environmental impact of the discharges;
- 2) The Agency's contention and the Board's agreement that it would be economically unfeasible to treat such wastes;
- 3) The fact that the Board will, by the statutory one-year duration of a variance, review its decision on a year-by-year basis;
- 4) The proposed plant expansion will significantly decrease the concentration of discharges, and is thereby an excellent first step;
- 5) The Village's assertion that long-range plans call for central waste treatment facilities which would solve this problem.

In closing the Board takes note of four points raised in this issue:

- 1) The Agency reports that it is in the planning stage of a proposal which would affect discharges (T.D.S.). This reinforces the Board's opinion that a waiver of a firm compliance plan should be granted.
- 2) Petitioner relates that present plans call for deletion of gas chlorination of final waters. The Board emphatically urges Petitioner to take note of pending regulatory procedure, R-73-13, dealing with public drinking water supplies

This proposal calls for mandatory chlorination of water supplies, and if passed will surely affect Petitioner's decision. It would be in Petitioner's best interest to become familiar with R73-13 and assure itself that all provisions therein are taken into account.

- 3) Petitioner seeks relief from chlorides as well as total dissolved solids. There is no such requirement in Rule 408, and no showing of need for such variance under Rule 203 or 204 (Chap. 3). This request will be dismissed as moot.
- 4) The Agency, in its recommendation, sought a \$20,000 bond to guarantee compliance with this order. In light of the fact that funds have already been raised and committed, and the tight financial position of Petitioner, the Board will not require such a bond.

In light of the above, the Board will grant Petitioner a variance for a one-year period.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Variance is granted from Rule 408 (b), Chapter III, as it pertains to total dissolved solids for one year from the date of this Order, subject to the following conditions:
 - a) Petitioner shall file a project completion schedule within one month from the date of this Order.
 - b) Petitioner shall file bimonthly reports detailing progress of its project. The first such report shall be due one month from the date of this Order.
2. Variance as it applies to chlorides is dismissed as moot.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 16th day of May, 1974, by a vote of 5 to 0.

