

ILLINOIS POLLUTION CONTROL BOARD

July 14, 1983

METROPOLITAN SANITARY DISTRICT)
OF GREATER CHICAGO,)
)
Petitioner,)
)
v.) PCB 83-72
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

MR. ALLEN S. LAVIN, BY MR. JAMES B. MURRAY, HEAD ASST. ATTORNEY, APPEARED FOR PETITIONER, THE METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO;

MS. MARY E. DRAKE, ATTORNEY AT LAW, APPEARED FOR RESPONDENT, THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

OPINION AND ORDER OF THE BOARD (by D. Anderson):

This matter comes before the Board upon a petition for variance filed June 2, 1983 by the Metropolitan Sanitary District of Greater Chicago (MSD), requesting for its Calumet Sewage Treatment Works a variance from 35 Ill. Adm. Code 302.406 and 304.121, the water quality and effluent standards for fecal coliform. On July 5, 1983 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted. On July 7, 1983 a public hearing was held in Chicago, at which time MSD acceded to the conditions recommended by the Agency. The Board has received no public comment (R. 11).

On July 7, 1983 MSD also filed a motion for expedited consideration at the Board's July 8 meeting. The Agency agreed to this (R. 11). The motion is denied.

The Calumet Sewage Treatment Works is located at 400 East 130th Street, Chicago. It discharges 220 million gallons per day to the Little Calumet River, which is a secondary contact water tributary to the Illinois River, via the Calumet-Sag Channel and the Chicago Sanitary and Ship Canal.

Section 302.406 set a standard, applicable to secondary contact water, for fecal coliform of 1000 counts per 100 ml, subject to a special averaging rule. Section 304.121 set an effluent standard of 400 counts per 100 ml for all discharges. The Board has repealed Section 302.406, and limited the application of the effluent standard of Section 304.121 to discharges which are above public bathing beaches or water

supply intakes (R77-12D, October 14, 1982, 6 Ill. Reg. 13750, November 4, 1982). The repeal and amendments have been stayed by the Appellate Court for the First District. The record in R77-12D is incorporated by reference.

The Calumet Sewage Treatment Works discharge is located such that the effluent standard would not apply to it. Disinfection would therefore not be required in the absence of a stay.

The Calumet Sewage Treatment Works is undergoing expansion and improvement pursuant to Agency Permit No. 1981-AB-1927. During this project the regular chlorination units will have to be taken out of service for approximately 100 days. Temporary arrangements for chlorination will have to be made during the interim unless a variance is granted. The contract for the work provides that the contractor is to provide interim chlorination if necessary. The contract price is to be reduced by \$8,400 per day if chlorination is not required. This could amount to as much as \$840,000 over 100 days.

Interim chlorination would also expose construction workers to the hazards of chlorine handling accidents during the project (p. 4 of petition).

The Board has previously found in R77-12D that the environmental benefits of chlorination over its detrimental effects are doubtful. The Board expects that the environmental impact of discontinuing the chlorination of this discharge will be negligible. In addition, heavier chlorine doses would be required during construction because of reduced detention time, increasing the cost and detrimental effects of the chlorination.

MSD has proposed to conduct a study of bacteriological water quality of the river segment between the treatment plant and just east of the junction at Highway 83 (R. 6). Illinois Institute of Technology has proposed to conduct this study jointly with MSD (R. 7).

The granting of this variance would be consistent with federal regulations which impose no disinfection requirement or bacterial standards.

The Board finds that it would impose arbitrary or unreasonable hardship on MSD to require chlorination during the construction project. The Board will grant the variance subject to conditions similar to those recommended by the Agency.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

Petitioner, Metropolitan Sanitary District of Greater Chicago, is granted for its Calumet Sewage Treatment Works a variance from 35 Ill. Adm. Code 302.406 and 304.121, subject to the following conditions:

1. This variance will commence August 1, 1983 and terminate March 31, 1984.
2. During July, 1983, Petitioner shall sample to determine background levels.
3. During the period of this variance, Petitioner shall conduct water quality monitoring to determine the impact of the cessation of chlorination.
4. Petitioner shall make the results of all sampling available to the Illinois Environmental Protection Agency.
5. The motion for expedited consideration is denied.
6. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We,) _____, having read and fully understanding the Order in PCB 83-72, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____


TITLE _____

DATE _____

IT IS SO ORDERED.

Chairman Jacob D. Dumelle dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 14th day of July, 1983 by a vote of 3-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board