

ILLINOIS POLLUTION CONTROL BOARD
March 25, 1976

SANITARY DISTRICT OF ELGIN,)
)
 Petitioner,)
)
 v.) PCB 75-502
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On December 29, 1975 the Sanitary District of Elgin, Illinois (District) filed before this Board a petition for variance from Rule 407(b) of the Board's Water Pollution Control Regulations. Variance is requested to allow the District to continue to discharge effluent from its Main Sewage Treatment Plant containing concentrations of phosphorus as P in excess of the 1.0 mg/l standard. The effluent is discharged into the Fox River. On February 4, 1976 the Environmental Protection Agency (Agency) filed a Recommendation that this Board grant the District a variance until December 1, 1976, subject to the condition that phosphorus effluent concentration not be allowed to exceed the levels achieved in 1975. On February 19, 1976, Citizens For A Better Environment filed a letter with this Board urging the adoption of the Agency's recommendation in this matter.

The District is presently in the process of upgrading and expanding its present facility which consists of a 6.1 MGD Imhoff Tank, and fixed nozzle Biological Filter plant, and a 2.5 MGD activated sludge plant. Upon completion, scheduled for May of 1977, the plant will be a 17.0 MGD activated sludge plant with phosphorus removal facilities and microstrainers for advanced treatment. The phosphorus removal equipment is scheduled to be in operation during November of 1976. There is no question raised as to the ability of the completed plant to comply with the limitations of Rule 407(b).

The only issue posed in this case is whether compliance with Rule 407(b) would place an arbitrary and unreasonable hardship upon the district. In essence, the question is whether there is any practical interim phosphorus removal method. The

District states that a temporary phosphorus removal facility would cost \$40,000 and would enable the Main Plant to meet the phosphorus standard during only three months of 1976. After that time, the temporary equipment would have to be taken out of service, dismantled and scrapped.

Therefore, the construction of such a facility should be required only if this Board determines that substantial environmental damage would result from the District's failure to comply with Rule 407(b). In its Petition, the District states that since there is question as to the level of phosphorus removal required to eliminate algae growth, the granting of a variance would not cause any injury to the public. On page 6 of its Recommendation, the Agency calculates that the District's discharge represents a 7.6 percent increase of phosphorus to the Fox River. This is indeed a significant contribution to the phosphorus load of the Fox River. However, the Board has recognized the need for further research on the causes of algae in the Fox River (Aurora Sanitary District v. EPA, PCB 72-276, January 9, 1975).

Given the high cost and short period of usefulness of an interim facility and the relative nearness of the date of completion for the permanent removal facility the Board finds that a variance is appropriate in this matter. As the District has given no reasons why it requires this variance to extend some five months beyond the scheduled date of operation for the phosphorus removal facility, the Board will grant the District a variance until December 1, 1976. Further, there is no reason shown why the District could not, during the period of this variance, maintain its phosphorus effluent concentration at or below the 4.9 mg/l average attained in 1975.

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

ORDER

The Sanitary District of Elgin is hereby granted a variance from Rule 407(b) of the Board's Water Pollution Control Regulations for its Main Plant until December 1, 1976, subject to the condition that the District shall maintain its phosphorus effluent concentration at or below 1975 levels.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 25th day of March, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board