

ILLINOIS POLLUTION CONTROL BOARD

July 7, 1977

CITY OF QUINCY, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 77-102  
 )  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

This matter is before the Board on a Petition for the City of Quincy (Quincy) requesting variance from Rules 403, 404(a) and 408(a) of Chapter 3 of the Illinois Pollution Control Board Rules and Regulations (Regulations) for the discharge from its water treatment plant located on the Mississippi River in Quincy. Quincy has waived hearing in this matter in accordance with Rule 401(b) of Chapter 1 of the Board's Procedural Rules.

Quincy requests variance until October 1, 1977 so that it may continue its current practice of discharging water treatment plant filter back wash and sludge to the Mississippi River without treatment, until a proposed sludge disposal system can be constructed and placed into operation. The water treatment plant has two separate outfalls designated 001 and 002. Outfall 001 is a filter back wash with a discharge of 75,000-90,000 gallons per day containing 2,461 mg/l of suspended solids and 35.7 mg/l of BOD at a pH of 8.6. Outfall 002 is a sludge waste discharge of about 250,000 gallons at a pH of 10.4. This discharge occurs less than once per month.

Quincy engaged an engineering firm to determine the most economically reasonable and technically feasible method of treating the water plant discharge. The conclusion reached by this study was diversion of the discharge by means of a force main to Quincy's waste treatment plant. The Agency Recommendation filed herein indicates that Quincy has established the requisite hardship required for the grant of a variance but recommends denial based upon a legal

conclusion concerning Sections 301 and 510 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) with regard to achieving best practicable control technology currently available (BPT), and Section 35 of the Illinois Environmental Protection Act (Act).

The Board finds that it is not in a position nor does it have the authority to determine BPT under P.L. 92-500. The United States Environmental Protection Agency (USEPA) is the sole judge of what BPT is for each discharger and should be the entity which determines compliance. The Board finds therefore that it may grant variances from Illinois Regulations beyond the date of July 1, 1977 to the extent, in accordance with Section 35 of the Act, that the relief granted is consistent with the applicable provisions of the Federal Water Pollution Control Act Amendments of 1972. The limitations of this variance with respect to the provisions of 92-500 will have to be determined by the Agency who is charged with the administration of 92-500, U.S. EPA.

Under the circumstances of this case the Board finds that Quincy's proposed disposition of the waste from its water treatment plant is reasonable and that it would create an unreasonable and arbitrary hardship upon Quincy if the variance were to be denied. The Board will therefore grant Quincy the requested variance until October 1, 1979.

This Opinion constitutes the findings of facts and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that the City of Quincy be granted variance until October 1, 1979 from Rules 403, 404(a), and 408(a) of Chapter 3 of the Board's Rules and Regulations for its water treatment plant located in Quincy, Illinois.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 7th day of July, 1977 by a vote of 5-0.

Christan L. Moffett pk  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board