

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1973

VILLAGE OF GRAYSLAKE)
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 v.) PCB 73-308
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 ENVIRONMENTAL PROTECTION AGENCY)
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MR. LAWRENCE DUNLAP OF OVERHOLSER, FLANNERY, DUNLAP, AND GRAHAM,
appeared on behalf of the Village of Grayslake.

MR. LEE CAMPBELL, ASSISTANT ATTORNEY GENERAL, appeared on behalf
of the ENVIRONMENTAL PROTECTION AGENCY.

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

The Village of Grayslake filed a Petition for Variance on July 30, 1973. The Agency filed its Recommendation to deny the variance petition on August 30, 1973. Petitioner filed a Waiver of the ninety day decision period on October 2, 1973. Hearing was held on September 27, 1973.

The petitioner owns and operates a secondary sewage treatment facility, located in Lake County. This facility has a design BOD loading of 9,040 P. E. Petitioner's treatment facility includes 2 package activated sludge units and a trickling filter. Secondary treated effluent flows to a 2-cell, polishing pond and is chlorinated prior to being discharged to the Avon-Freemont Drainage Ditch, an intermittent stream which flows into Third Lake, a recreational Lake, located approximately 2 miles downstream from the treatment plant outfall. Third Lake discharges to Mill Creek, a tributary of the Des Plaines River.

Petitioner in its Amended Petition for Variance seeks an extension until December 31, 1975 to comply with the requirement of Rule 203(c), 404(f), 406, and 602 of Chapter 3 of the Board's Rules and Regulations governing Water Pollution.

Petitioner alleges that a preliminary engineering analysis indicated that requisite sewage treatment plant upgrading would cost an estimated \$172,300 (assuming that present ammonia nitrogen removal efficiency is adequate). Petitioner anticipates only

minimal improvement in water quality in the Avon-Freemont Drainage Ditch and Third Lake if timely compliance with appreciable water pollution standards is achieved consequently, Petitioner contends the cost of such compliance in the absence of appreciable results could cause an imposition of an arbitrary and unreasonable hardship.

The Agency recommended that the Board dismiss as premature the Petition for Variance from Rule 404(f) and 602 as being premature because the Board in adopting Rule 409 of Chapter 3 extended the compliance date of any effluent standard required on December 31, 1973 to December 31, 1974. The Board agrees and therefore orders that the Petitioner request for a variance from Rule 404(f) and 602 be dismissed as premature. Petitioner's request for a variance from Rule 406 until December 31, 1975, is also premature and therefore dismissed because the effective date of Rule 406 is December 31, 1977.

The only remaining issue is a variance from Rule 203(c) which states "that phosphorus shall not exceed 0.05 mg/l in any lake or in any stream at the point where it enters any lake." Water samples taken at Petitioner's outfall and at a point below the outfall showed phosphorus levels of 2.35 and 1.27 mg/l of phosphorus. Water samples taken at the outfall of Third Lake showed a phosphorus level of 0.13 mg/l. This level is above the limit set by Rule 203(c) (R. 88, 9-27-73). Petitioner has estimated that 0.1 mg/l of phosphorus is contributed from agricultural runoff on an annual basis. Citizen testimony from the Acting Village Engineer of the Community of Third Lake showed that the Lake experienced an algae problem (R. 123, 9-27-73). Grayslake is said to have agreed in the past to provide money for the control by the Village of Third Lake, of algae present in Third Lake (R. 123, 9-27-73). Spraying for algae control is said to have produced a two-foot thick layer of dead algae at the bottom of the Lake (R. 123, 9-27-73). Phosphorus and other nutrients from such dead algae would tend to be re-introduced into Third Lake by normal breakdown of the algal cells. Mr. Eugene Theios, Director of the Division of Environmental Health of Lake County Health Department, testified that the algae present in Third Lake did not constitute a health problem (R. 135, 9-27-73). He further testified that a delay in two years of removing the phosphorus discharges from the Third Lake would not have any additional or different affect than it has had in the past two years (R. 139, 9-27-73).

Mr. Leckman, Petitioner's consulting engineer, testified that he estimated the cost for phosphorus removal to be approximately \$55,000 (R. 92, 9-27-73). Petitioner is currently undertaking actions which will lead to an agreement with the Lake County Public Works Department to enable the diversion of Petitioner's sewage by means of a proposed interceptor sewer from the existing sewage treatment plant to the North Shore Sanitary District proposed Gurnee Treatment facility. Completion of the proposed Gurnee


Treatment Plant is scheduled for January 1, 1975. Completion of the interceptor sewer is scheduled for December 31, 1974. In the event that the Gurnee Treatment Plant is not completed by January 1, 1975, Petitioner should be able to discharge its treated effluent into the interceptor sewer. This would allow Petitioner to by-pass Third Lake and discharge directly into the Des Plaines River which has a higher allowable phosphorus limit (R. 107, 9-27-73). The Board finds that such a delay in compliance with Rule 203 (c) would not result in significant degradation of Third Lake providing the projected completion date for the interceptor sewer system and the Gurnee Treatment Plant are not substantially delayed from the above dates.

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

ORDER

The Illinois Pollution Control Board hereby grants to the Village of Grayslake a variance from Rule 203(c) until November 8, 1974. The Board dismisses without prejudice Petitioner's request for variances from Rules 404(f), 406, and 602 as premature.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of November, 1973 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board