

ILLINOIS POLLUTION CONTROL BOARD

January 31, 1974

|                                  |   |            |
|----------------------------------|---|------------|
| LEWIS UNIVERSITY,                | ) |            |
|                                  | ) |            |
| Petitioner,                      | ) |            |
|                                  | ) |            |
| v.                               | ) | PCB 73-475 |
|                                  | ) |            |
| ENVIRONMENTAL PROTECTION AGENCY, | ) |            |
|                                  | ) |            |
| Respondent.                      | ) |            |

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

Lewis University filed its Petition for Variance on November 8, 1973 requesting relief from Rule 404(f) of the Illinois Water Pollution Control Regulations. Upon motion of both parties, hearing was waived and decision will be made on the documents presented.

Petitioner is a private university consisting of several colleges located within the corporate limits of Lockport, Will County, Illinois. Petitioner owns and operates its own sewage treatment plant which provides treatment of all domestic waste water generated by the University's 2500 students. The plant consists of a contact stabilization unit with chlorination, sludge storage and flow measurement devices. Petitioner estimates that the plant treats about 100,000 to 105,000 gallons of sewage per day having an influent concentration of about 260 mg/l BOD and 106 mg/l suspended solids. Discharge from the plant enters an unnamed ditch tributary to the Des Plaines River.

Data submitted by Petitioner to the Agency, as shown below, indicates that Petitioner's plant is capable of operating in compliance with Rule 404(a):

| <u>Date</u> | <u>BOD (mg/l)</u> | <u>Suspended Solids<br/>( mg/l)</u> |
|-------------|-------------------|-------------------------------------|
| Sept. 1973  | 13                | 10                                  |
| Aug. 1973   | 4                 | 9                                   |
| July 1973   | 6                 | 11                                  |

As of December 31, 1973 Petitioner must comply with Rule 404(f) which requires an effluent containing not more than 4 mg/l BOD

and 5 mg/l suspended solids. Although Petitioner filed a Compliance Plan with the Agency in February 1973 which indicated that compliance would be achieved by the end of 1973, Petitioner later determined that this deadline could not be met.

Lewis University officials have participated in numerous negotiations with the City of Lockport in order to induce Lockport to furnish sewer and water facilities to the University. The University is located entirely on the west side of the Des Plaines River while Lockport proper is located on the east side of the River. Because of this natural barrier, Petitioner states that Lockport has never been and will not in the foreseeable future be in a position to furnish sewage and water services to the University.

Two methods of achieving compliance are available to Petitioner. One of these methods is to obtain sewer services from the Village of Romeoville rather than the City of Lockport. The University would have to disconnect from Lockport, through litigation, and subsequently annex to Romeoville. Petitioner filed its Petition for Disconnection in the Circuit Court of the Twelfth Judicial Circuit in July 1973. It is anticipated that trial on the petition will be held sometime during January 1974.

If the Petition for Disconnection is successful, Lewis University will immediately annex to the Village of Romeoville. Romeoville Mayor Dewey Chambers advised Petitioner of the Village's willingness and capability to provide water and sewer service contingent upon the disconnection from Lockport and subsequent annexation by the Village. (Petitioner Exhibit B) Connection to the Romeoville sanitary system allegedly could be completed within three months after annexation. A supporting document filed by the consulting engineering firm of R. W. Robinson and Associates states that the sewage treatment plant to which the University would connect has a current capacity of 1.5 million gallons per day and carries only 0.75 million gallons per day. (Petitioner Exhibit C)

The second method for achieving compliance would be to add a tertiary filtration system to the University's existing sanitary system. The new equipment would cost about \$55,000. Petitioner alleges that an order requiring immediate installation of the new equipment could place an arbitrary and unreasonable hardship upon the University since Petitioner is facing the same financial difficulties that have caused the failure of other institutions of higher learning throughout the country. Petitioner states that it is barely operating within its budget and that only the most careful handling of its available funds will insure its success in the future.

As a showing of good faith, Petitioner pledges immediate action on the installation of the tertiary filtration system in the event their Petition for Disconnection from Lockport is denied. Further, Petitioner pledges to achieve compliance either through the additional equipment at its own treatment plant or by connection to the Romeoville plant no later than December 31, 1974.

If annexation to Romeoville is accomplished, Lewis University will be connecting to Romeoville's No. 2 plant. Agency data indicates that this plant was operating in apparent compliance with the standards of Rule 404(a) as of October 1973. However, Romeoville must upgrade this plant by December 31, 1974 in order to be in compliance with the requirements of Rule 404(f). The Agency stated that Romeoville had not filed a Project Completion Schedule by December 6, 1973 and the Agency had not been informed of any plans to upgrade this facility.

In its Recommendation the Agency recommended granting the variance subject to the following conditions:

- A. Petitioner is not to make any connection to the Romeoville plant until Romeoville files an approved Project Completion Schedule with the Agency indicating timely compliance with all applicable rules and regulations, and
- B. Petitioner is to proceed with the upgrading of its own plant to comply with Rule 404(f) no later than December 31, 1974 in the event the Romeoville connection cannot be made.

Petitioner has filed an Amended Petition in which it agrees to the conditions proposed in the Agency's Recommendation. However, we feel it is not appropriate to adopt the first condition. The Romeoville plant is in compliance with the standard and there is no evidence to indicate that this situation will change in the future. It would not be proper for us to prohibit the sewer connection on this state of the record.

We believe that Petitioner has made its case for a variance, has shown good faith in its efforts to achieve compliance in the past and apparently continues to do so. If the connection to the Romeoville plant is allowed, Petitioner will be in a better position to assure adequate services for those who will enroll at the University in the future. The connection to Romeoville should provide a more efficient means of waste treatment. We shall grant Petitioner the variance subject to the second condition recommended by the Agency and agreed to by Petitioner.

The record does not show whether Petitioner has explored the "Pfeffer exception" as a method of establishing compliance with the Regulation (See Rule 404(f)(ii)). This Rule may be available, depending on the capacity for reaeration of the ditch to which Lewis University discharges its effluent.

ORDER

It is the Order of the Pollution Control Board that Lewis University be granted a variance from Rule 404(f) of the Illinois Water Pollution Control Regulations until December 31, 1974 subject to the following condition:

In the event a connection to the Village of Romeoville cannot be made, Lewis University shall proceed immediately to upgrade its treatment plant to comply with Rule 404(f) no later than December 31, 1974.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 31<sup>st</sup> day of January, 1974 by a vote of 5 to 0.

Christan L. Moffett