

ILLINOIS POLLUTION CONTROL BOARD
January 30, 1973

CITY OF WASHINGTON)
)
) #72-266
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

KENNETH W. BLACK AND BRUCE BLACK, ON BEHALF OF PETITIONER
LARRY EATON, ASST. ATTORNEY GENERAL, ON BEHALF OF ENVIRONMENTAL
PROTECTION AGENCY

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Petition for variance was filed by the City of Washington seeking variance from Rule 405 of the Water Pollution Regulations which limits effluent discharges to 400 fecal coliform per 1,000 mg/l of effluent. Petitioner's present sewage treatment plant consists of a primary clarifier, trickling filter and final clarifier with effluent discharging into Farm Creek, a tributary of the Illinois River. The plant was designed to serve a population equivalent of 5,500. The present population is in excess of 7,500. Since December 2, 1968, new sewer extensions have been banned or restricted because of the overloaded condition. Plans have been submitted to the Environmental Protection Agency for construction of a new .75 MG/D activated sludge plant, a new interceptor system and for revisions and modifications of the existing plant. The new plant will be located 1.5 miles downstream from the existing facility and will include complete treatment for average dry weather flow, surge facilities, storm holding facilities and chlorination of all flow received.

The new interceptor system includes a connecting interceptor which conveys all excess flow from the existing plant to the proposed facility. The existing plant will be modified by inclusions of aeration basins, tertiary filters and chlorination. Flow to the old plant, as modified, will be limited to a maximum of 0.6 MG/D

Construction has begun and it is contemplated that the chlorination facilities for the existing plant will be on line 6 to 8 months from the beginning of construction which would presume compliance by March 1, 1973 or April 1, 1973, assuming some initial delay in commencing construction.

While the petition and response are somewhat ambiguous as to precisely what is being sought by this variance, for the purpose of this proceeding we assume that the request relates only to the installation of chlorination facilities at the existing plant which will bring the operation into compliance with respect to fecal coliform limitations.

According to the Agency recommendation, effluent from petitioner's present facilities had a fecal coliform as high as 770,000 per 100 mg/l. This high count is considered by the Agency a consequence of the characteristically low flow of Farm Creek. The Agency does not believe that the granting of the variance would impose a pollutional danger to the Illinois River during the period in which the variance is sought for the installation of chlorination facilities. The Agency recommends that the variance be allowed until such time as the chlorination facilities are operable and that a bond be posted equivalent to the cost of construction of the treatment facilities.

Hearing was held on the petition. The evidence indicated that installation of interim facilities would result in a net cost of approximately \$40,000 and that the cost of construction on the existing facilities was in the amount of \$461,451, of which \$115,760 has been paid, leaving an amount owing of \$345,691. A letter dated September 13 was submitted to the hearing officer in which a 400-day time schedule is proposed for the contract dealing with improvements on the existing plant. While the extent of the total work to be done may go beyond the time needed to install the chlorination facilities, we will assume that petitioner's initial representation of 8 months for such chlorination installation is still applicable and will structure our order accordingly. Reference to the record (Page 24) suggests the possibility that the 400 days relate to the duration of the entire improvement program covering both plants. But again, the indication is made on the record that the existing facility will be on line in six to eight months at this point with the initial time running from June 27, 1972. The record substantiates the contention that the time involved in constructing interim chlorination facilities would not be substantially less than the time needed to install permanent chlorination facilities on the existing plant, and while some costs could be minimized by the use of the equipment in the new facilities, we believe the interests of the community and the State are best served by allowing the variance as requested.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board:

1. That the City of Washington be granted a variance from Rule 405 (Water Regulations) relative to the limitation on fecal coliform emissions in its effluent until April 1, 1973, at which time the sewage treatment facilities of the City will be in compliance with this Regulation.

2. Bond in the amount of \$345,690 shall be posted in form satisfactory to the Agency within 30 days from the date hereof, guaranteeing completion of the construction program, with respect to the existing plant by August 25, 1973, as stated in the record herein. Provisions shall be made for proportionate reduction of the bond commensurate with the amount paid to the contractor pursuant to the contract completion schedule. Provision shall also be made for the forfeiture of \$10,000 to the State of Illinois in the event the City is not in compliance with Rule 405 (Water Pollution) by April 1, 1973. Bond shall be filed with the Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Drive, Springfield, Illinois 62706, within thirty days from the date hereof.
3. Any extension of this variance or modification of this order shall be pursuant to further order of the Board upon the filing of a new variance petition, filed a sufficient period of time prior to expiration of this variance to enable appropriate action by the Board.

I, Christan Maffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was entered on the 30th day of January, 1973, by a vote of 3 to 0.

Christan M. Maffett

