

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1974

CITY OF LEROY)
PETITIONER)
)
)
v.) PCB 74-231
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)

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

This action involves a Petition for Variance, filed by the City of LeRoy on June 17, 1974. On September 13, 1974, the city filed an Amended Petition for Variance, requesting relief from Rule 408 (a), Chapter 3, Water Pollution Control Regulations, as it relates to iron and total suspended solids, and Rule 408 (b) as it applies to total dissolved solids, in order to get a construction permit for a new public water supply treatment plant.

The Agency filed its Recommendation on November 22, 1974. The Recommendation suggests that the Petition may be moot and should be dismissed or in the alternative, should the Board find the matter not moot, that it be granted.

No hearing was held.

The Petitioner is in need of a new water treatment plant. It is alleged that the existing plant was built in 1934. For the past several years, the equipment has been deteriorating rapidly, and it is in constant need of repair if it is to provide an adequate quality of water.

Since 1972 the city has been attempting to receive federal grant money under the Federal Water Pollution Control Act Amendments (PL 92-500) to construct a wastewater treatment plant. To date, the city has not achieved a high enough priority number to insure prompt action on their request.

The present water treatment plant treats about 240,000 gallons a day. The plant reduces a raw influent of 5.8 ppm iron to a finished product of .2 ppm. This amounts to 11.4 lb. of iron per day. The new plant will have four new filters having an area of 41 square feet apiece. To clear the filters the backwash rate will be 500 gallons per minute for 5000 gallons of water per filter per day. Therefore, 29,000 gallons of water will be needed for complete backwash per day. The city proposes to provide a holding basin for the backwash water, so that it will discharge to the city sewer at a rate of 50 gallons per minute.

Three zeolite softeners will be regenerated with the use of brine. There will be 4.5 regenerations per day, with 348 lbs. of salt used per regeneration. 29,000 gallons of water per day will be used in regeneration. The total dissolved solids in the rinse water will be 6400 ppm. This water is also to go to the holding tank for discharge at a rate of 50 gallons per minute.

The problem is that the city does not have a treatment plant for its sewer system. Therefore, the contaminants discharged from the plant receive no treatment other than dilution before being discharged to a tributary of the North Fork of Salt Creek, which is tributary to the Sangamon River.

The Agency to this point has not issued a permit to construct this plant, the reason being that the discharge would cause a breach of the effluent standards when it would be completed.

The city will not be able to meet the effluent criteria until a sewage treatment plant is built, and it appears this will be a rather long process. In the meantime, the city is having a difficult time supplying its water to the public. It should be noted that the new plant is a replacement plant and will not substantially change the quality of the effluent.

Hardship alleged relates to the lack of a properly treated public water supply. The Board finds that maintenance of a pure supply of water to the public is of prime importance.

The Agency suggests that as a contributing discharger to a common sewer system whose total discharge is subject to the control of a permit issued under the National Pollutant Discharge Elimination System, the plant in question does not need a variance. A draft permit has been prepared by the Agency and forwarded to Region V, U.S. Environmental Protection Agency, in Chicago. As a condition of that permit, the city would be allowed to maintain its present discharge from the sewer.

We cannot agree with the Agency that the issuance of an NPDES permit will grant the relief sought. The Federal Environmental Protection Agency has not yet accepted the state's proposal for administration of this system, and while we hope for early approval, we cannot be assured of this. To rely on the actions of a third party (U.S. Environmental Protection Agency) would put Petitioner in jeopardy of violations of Board effluent standards through no fault of its own. Even with the grant of a federal NPDES permit, Petitioner would have to comply with Board effluent standards.

The Board finds that this case is similar in nature to PCB 74-15, Village of Potomac v. Environmental Protection Agency, and that adequate hardship has been proven to warrant a grant of variance. We fully realize that this variance may indeed be moot in the future; however, should a variance extension be required one year from now, the Board will re-

quire much additional information regarding Petitioner's compliance plans.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner is granted variance from Rule 408 (a) as it applies to iron and total suspended solids, and 408 (b) as it applies to total dissolved solids until December 5, 1975, subject to the following:

Petitioner shall discharge the combined effluents from its proposed holding tank on a 24-hr. basis to reduce the average concentration of iron and chlorides discharged as much as possible.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 5th day of December, 1974, by a vote of 5 to 0.

Christan L. Moffett