

ILLINOIS POLLUTION CONTROL BOARD  
November 18, 1983

OAK GROVE MOBILE HOME PARK, )  
 )  
Petitioner, )  
 )  
v. ) PCB 83-21  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, AND )  
VILLAGE OF MILAN, )  
 )  
Respondents. )

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

This matter comes before the Board on a petition for variance filed by the Oak Grove Mobile Home Park (Oak Grove) on February 22, 1983 as amended on April 25 and May 31, 1983. Oak Grove seeks variance from the effluent and water quality limits for BOD, TSS, ammonia nitrogen and fecal coliform of 35 Ill. Adm. Code §§302.212, 304.105, 304.120 (a & c), 304.121 and 304.301 in anticipation of connection to the Village of Milan's sewer system by 1986. Since compliance would involve the transportation of Oak Grove's effluent for treatment at a sewage treatment plant owned and operated by the Village of Milan (Village), the Village was joined as a respondent by Board Order of May 5, 1983. The Village has voiced no agreement with, or opposition to, this petition. The October 25, 1983 Recommendation of the Illinois Environmental Protection Agency (Agency), accompanied by a motion to file instanter which is hereby granted, is that variance be granted subject to certain conditions. Hearing was waived and none has been held.

The Oak Grove Mobile Home Park is located approximately two miles south of the Village of Milan in Rock Island County. Its 55 mobile home units and two houses are served by a collection system and sewage treatment plant which have been in operation since the early 1950's and were upgraded in response to the Board Order in PCB 81-148 (45 PCB 425; February 17, 1981). The treatment plant consists of three septic tanks in series, a holding tank with two dosing siphons, and sand filters. Effluent is discharged into an unnamed intermittent creek tributary first to Mill Creek, then to the Rock River, and then to the Mississippi. Oak Grove apparently seeks variance until the completion of the Village's construction program (which is estimated to be in 1986) to allow it to discharge effluent

containing 30 mg/1 of each BOD and TSS (the effluent standards being 10/12), 10 mg/1 ammonia nitrogen (the effluent standard being 1.5 mg/1), and unlimited amounts of fecal coliform (the effluent standard being 400/100 ml). In February through April of 1983 (which is the only available discharge data since completion of the improvements to the system pursuant to PCB 81-148), Daily Monitoring Reports (DMR's) indicated BOD loadings ranging from 10 to 18 mg/1, TSS from 7 to 17 and ammonia nitrogen from 1.0 to 3.0 mg/1. Fecal coliform data are missing, although earlier data shows grab samples as high as 5.4 million/100 ml (September, 1982).

The Village estimates that the upgrading of the existing treatment plant to meet the 10/12 standard would require an initial outlay of \$16,460 with annual expenses of \$5,779. Oak Grove is loathe to embark on such a project for two reasons: it is not the most cost-effective alternative and would require an interruption in service. The total present work project cost is estimated at \$74,260.

A second alternative is to connect to the existing Milan sewer. Capital costs for that project are estimated at \$59,650 and annual expenses are estimated at \$4,523 resulting in a total present worth project cost of \$99,220. Again, the Village considers this alternative as non-cost-effective and also points out that the downstream sewer is presently subject to excess infiltration and inflow and is currently overloaded. It does, however, have the advantage of regionalized wastewater treatment.

The third alternative is connection to a proposed Milan interceptor. This would entail capital costs of \$10,220, annual costs of \$4,798 and a total present worth cost of \$64,080. The Village alleges that this is the most cost-effective solution and that it also results in regionalized wastewater treatment.

The Agency substantially agrees with the cost information presented on the three compliance alternatives, but notes that if R77-12, Docket D goes into effect, the costs of upgrading the existing treatment plant would be \$16,000 less than that projected in the second amended petition. Thus, the upgrading of the existing plant would become the most cost-effective option.

According to the Agency, the Village is presently in the Step 1 phase of the construction grants program. A Sewer System Evaluation Survey was submitted in March, 1983. The Village submitted its Facility Plan on August 19, 1983. The Agency has reviewed the Milan SSES and Facility Plan and sent a letter notifying Milan that additional documentation must be submitted to complete the review.

The Agency further states that adverse environmental effects on the Rock River are unlikely due to the dilution factor (7-day, 10-year low flow of the Rock River 30 miles upstream from its confluence with Mill Creek is over 844 MGD). On the other hand, Mill Creek and the unnamed tributary into which Oak Grove discharges both have zero 7-day, 10-year low flows, and, therefore, any deoxygenating or toxic effects will be much more noticeable. However, during an inspection on May 16, 1983, the Agency observed that the effluent discharge was clear with no visual impact on the receiving stream.

The Agency concludes that some relaxation of the Board's regulations would be both environmentally acceptable and consistent with the Clean Water Act, but not to the levels requested. It believes that with the improved operation and maintenance BOD and TSS limitations of 20/20 could be achieved. As Oak Grove's ammonia nitrogen levels have not exceeded 3.0 mg/l since the improvements to the plant were completed, the Agency suggests an interim limit of 5.0 mg/l. The Agency also recommends that the fecal coliform limit be eliminated. In support it cites the pendency of R77-12, Docket D, remarking that Oak Grove would be exempt from the limitation if the rules are adopted as proposed. Finally, the Agency proposes that variance, with conditions, expire in six months by which time a feasible compliance plan could be completed.

The Board finds that denial of variance would impose an arbitrary or unreasonable hardship. Oak Grove is within the Milan Facility Planning Area. Given the preference, for environmental and other reasons, for regional sewage treatment over individual treatment plants, for the Board to require complete plant rehabilitation at this time would not be in the best interests of all concerned. Variance will be granted to include effluent limitations as recommended by the Agency, and the fecal coliform limit will be waived entirely. This reflects the Board's determination that the capital outlay required for installation of disinfection equipment can reasonably be deferred for the term of this variance, during which time the appeals of the regulatory proceeding should have been completed.

The Board believes that the suggested six-month term for variance is too short. Proper evaluation of the costs and feasibility of compliance alternatives may well be dependent upon information generated during the course of the Village's SSES and facility planning and the appeals process in R77-12, Docket D. Connection to the Milan interceptor apparently cannot be made prior to 1986, and, depending upon the Agency's final action concerning the construction grants program, may not ever be reasonable. However, after the grant review is completed and R77-12, Docket D becomes final, Oak Grove should be in a position to determine how compliance will be attained.

The Board will grant variance until May 31, 1986 (the expiration date of Oak Grove's current NPDES permit). If the interceptor is constructed, compliance should be attainable by that date. Further, while no timetable has been presented, given the nature of the modifications of the existing sewage treatment plant which would be required to attain compliance, it appears that such work could be completed by that date. The Board stresses that the variance granted herein, unlike the short term variance recommended by the Agency, is intended to allow enough time for Oak Grove to come into compliance, not simply to determine how compliance will be attained. The compliance alternative should be selected at the earliest reasonable date and compliance, thereafter, should be expeditiously attained.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

#### ORDER

The Oak Grove Mobile Home Park, is hereby granted a variance from 35 Ill. Adm. Code 302.212, 304.105, 304.120(c), 304.121 and 304.212 as they relate to the discharge of BOD, TSS, ammonia nitrogen and fecal coliform, subject to the following conditions:

1. Petitioner's variance shall expire on May 31, 1986;
2. During the variance period the following effluent limitations shall be met: BOD/TSS-20/20 mg/l, and ammonia nitrogen-5 mg/l as monthly averages.
3. By October 1, 1984, Oak Grove shall submit a firm compliance plan to the Agency. If this plan is to connect to the proposed Milan interceptor it will need to include a commitment from Milan that it will be built by a specific date regardless of grant funding status. If this commitment cannot be made, Oak Grove must present an alternative plan, including a compliance schedule;
4. Oak Grove shall provide the best practicable degree of treatment at its wastewater treatment plant;
5. Within forty-five (45) days of the date of this Order, Oak Grove shall execute and send to Steven M. Spiegel, Attorney Advisor, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance by which it agrees to be bound by the terms and conditions of this variance. The forty-five (45) day period shall be held in abeyance for any period for which this matter is appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 83-21 dated November 18, 1983, understand and accept that Order and agree to be bound by all terms and conditions thereof.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Board Members Bill Forcade and John Marlin abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18<sup>th</sup> day of November, 1983 by a vote of 5-0.

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