

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1981

CITY OF STAUNTON,)
)
 Petitioner,)
)
 v.) PCB 80-166
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by I. Goodman):

On September 12, 1980 the City of Staunton, Illinois (Staunton) filed a petition before the Board requesting variance from a requirement in its NPDES permit limiting the concentration of suspended solids in its discharge and from applicable standards of Chapter 3: Water Pollution of the Board's rules and regulations until August 1, 1984. No hearing was held in this matter and the Board has received no public comment except as herein noted.

Staunton treats surface water to produce a potable water for use by its citizens as well as by rural customers served by the city. Present average daily use is approximately 0.5 million gallons. The treatment process includes adding lime and alum in order to flocculate and settle the natural turbidity and suspended matter in the water. This process produces a sludge which is eventually discharged from the facility. In addition, powdered activated carbon is used on occasion to control taste and odor in the water supply.

The main source of violations is the daily filter backwash operation of approximately 54,000 gallons. The backwashing is estimated to contain approximately 100 mg/l of suspended solids. Approximately every six months the settling basins are drained and cleaned, resulting in the discharge of 12,000 pounds of solids in a short period of time. Staunton alleges that it has been unable to comply with the permit limitations because land for lagooning of these wastes was not available at the water treatment plant site and that improvements to the system for the production and distribution of good quality, potable water was of a higher priority than treatment of the waste water. Staunton alleges an expenditure of approximately \$750,000 on its water system for processing and transport equipment and repairs to this end.

On November 12, 1980 the City Attorney for Staunton filed a statement before the Board indicating that Staunton had purchased approximately fifty acres of land in the vicinity of the water

treatment plant which is to be used to construct backwash and sludge holding lagoons with a minimum of three years' sludge production in each lagoon. Staunton is apparently conducting a survey and is in the process of designing the facilities to be located in the newly acquired property. Construction of the proposed facilities is expected to take approximately five months' time. Staunton alleges that no harm will accrue to the environment if it is allowed to continue its present discharge until this time.

In its recommendation the Illinois Environmental Protection Agency (Agency) does not dispute the facts alleged by Staunton except with respect to the claim that its discharge will not harm the environment. The Agency notes that the receiving streams are intermittent ones and questions the effect of a slug load of 12,000 pounds of suspended solids on such a stream, notwithstanding Staunton's claim of discharge only during heavy rainstorms. The primary Agency objection concerns the fact that Staunton has been out of compliance since July 1, 1977, the date by which the NPDES permit schedule requires compliance. In addition, the Agency questions the need for a variance until August, 1984, pointing out that Staunton has not submitted a compliance plan to support the length of time of the variance.

Staunton has been very candid concerning the fact that part of the delay in compliance was due to a prioritizing of the needs of the community with respect to the water system. This, of course, does not change the fact that much of Staunton's problem seems to be self-imposed. On the other hand, there appears to be little potential damage to the environment should the Board grant Staunton a variance, especially if that variance contains specific conditions regarding both final compliance and minimization of interim pollution.

On balance, the Board finds that a variance is warranted in this case under certain conditions. However, the Board agrees with the Agency's statement that a variance until August of 1984 is not warranted. Since land acquisition has been accomplished and the engineering studies are underway, based upon the allegations in the petition for variance, the Board will grant the variance until July 1, 1982.

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

ORDER

1. The City of Staunton is hereby granted variance from its NPDES permit no. IL0051128 and from Chapter 3: Water Pollution Control of the Illinois Pollution Control Board's rules and regulations with respect to the discharge of suspended solids to a tributary of Cahokia Creek until July 1, 1982, with respect only to (1) the daily discharge from the water filter backwash system and (2) a once-only discharge every six months from the settling tanks, under the following conditions:

a. Within 90 days of the date of this Order, the City of Staunton shall submit a detailed compliance schedule to the Illinois Environmental Protection Agency containing specific completion dates for each stage of the construction plan.

b. The City of Staunton shall submit quarterly reports to the Illinois Environmental Protection Agency with respect to its progress in meeting the compliance plan.

c. The City of Staunton shall continue to use the procedures noted in its petition designed to minimize the effect of its discharges.

d. Within 45 days of the date of this Order, the City of Staunton shall execute and forward to the Illinois Environmental Protection Agency, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, an executed Certification of acceptance and agreement to be bound by all conditions of this variance. The forty-five day period shall be stayed if the City of Staunton seeks judicial review of this variance pursuant to Section 41 of the Illinois Environmental Protection Act. The form of said Certification shall be as follows:

CERTIFICATION

I, (We,) _____, having read the Order of the Illinois Pollution Control Board in PCB 80-166 dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner

_____, Authorized Agent

_____, Title

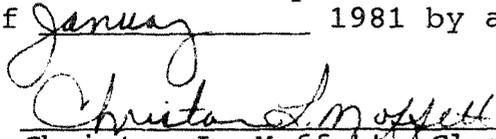
_____, Date

2. The Illinois Environmental Protection Agency is hereby authorized to modify NPDES permit no. IL0051128 consistent with this Opinion and Order.

IT IS SO ORDERED.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8th day of January 1981 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board