

ILLINOIS POLLUTION CONTROL BOARD
July 3, 1990

CITY OF POLO,)
)
Petitioner,)
)
v.) PCB 90-125
) (Provisional Variance)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated July 2, 1990. The recommendation refers to a request from Petitioner, City of Polo, for a 45-day extension to a provisional variance from effluent 5-day biochemical oxygen demand (BOD₅) and suspended solids (TSS) limitations, as set forth in 35 Ill. Adm. Code 304.120(c), previously granted in PCB 90-39 on March 22, 1990. The original provisional variance ran for the period beginning from when the City removes its final clarifier from service, on April 30, 1990, and lasted for a period of 45 days, until June 15, 1990. The requested extension would commence on June 15, 1990 and expire when the City returns its clarifier to service or after 45 days, whichever comes first.

Upon receipt of the request the Agency issued its recommendation, concluding that the failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

The City operates a 0.5 MGD DAF wastewater treatment facility that discharges to Buffalo Creek, a tributary of Elkhorn Creek, in the Rock River basin. The present effluent limits of NPDES permit number IL0030449 for its discharges are 10 mg/l BOD₅ and 12 mg/l TSS (monthly averages). The City must remove its final clarifier from service for repairs. The Agency agrees that this is necessary. During the time the final clarifier has been down, the City's plant has operated the remaining equipment, primary settling, the comminutor, a trickling filter, a polishing lagoon, and disinfection, providing primary and secondary treatment with disinfection.

The repair work has been delayed. First, there was a delay in shipment of the clarifier mechanism. Second, the City notified the Agency that wet weather has further delayed the work. Finally, the City asserts that extra time is necessary for curing of paint before the units return to service.

The Agency does not believe that the requested relief will

have any adverse impact on any downstream public water supply. The Agency is not aware of any federal law that would preclude the requested relief. The Agency agrees with the City that any environmental impact of this provisional variance would be minimal. The Agency recommends that the Board grant the requested provisional variance with conditions.

In light of the Agency Recommendation, the Board hereby grants an extension of the provisional variance originally granted March 22, 1990 in PCB 90-39 from 35 Ill. Adm. Code 304.120(c), from June 15, 1990 and continuing until the City of Polo returns its final clarifier to service or for 45 days after that date, whichever comes first, with the following conditions:

1. The term of this provisional variance shall commence on ~~June 15, 1990~~ and it shall ~~expire on the date the City of Polo returns its final clarifier to service or after 45 days~~ have elapsed from June 15, 1990, whichever comes first;
2. During the term of this provisional variance, the effluent from the City of Polo's treatment plant shall not exceed concentrations of 45 mg/l BOD₅ and 60 mg/l TSS;
3. During the term of this provisional variance, the City of Polo shall collect samples and analyze them according to the terms of NPDES permit number IL0030449, and report them to the Agency on its monthly discharge monitoring reports;
4. The City of Polo shall notify Dennis Connor of the Agency's Rockford office by telephone, at 815-987-7755, when the final clarifier is removed from service and when the work is completed, and the City shall confirm this notice in writing within five days, addressed as follows:

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Compliance Assurance Section
 2200 Churchill Road
 P.O. Box 19276
 Springfield, Illinois 62794-9276

Attention Mark Brooks

5. During the term of this provisional variance, the City of Polo shall operate its plant in a manner that assures that it discharges the best quality effluent practicable; and
6. The City shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as indicated in condition 4; the

City shall forward that copy within 10 days of the date of this Order of the Board, i.e., on or before July 13, 1990; and the Certificate of Acceptance shall take the following form:

CERTIFICATION

I (We), _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 90-39, March 22, 1990.

Petitioner

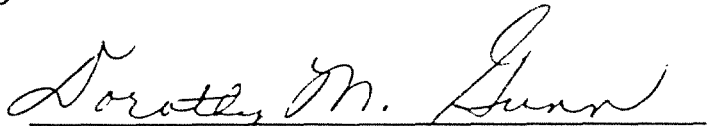
Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 7th day of July, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board