

ILLINOIS POLLUTION CONTROL BOARD
February 22, 1990

CITY OF CHARLESTON)	
)	
Petitioner,)	
)	
v.)	PCB 90-25
)	(Provisional Variance)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated February 21, 1990. The recommendation refers to a request from Petitioner, City of Charleston for a 45 day provisional variance from the Board's wastewater effluent deoxygenating wastes and NPDES effluent standards rules, as set forth in 35 Ill. Adm. Code 304.120 and 304.141(a), which are otherwise applicable to its discharges of excess storm water, for the period beginning from initiation of the discharge and lasting for 45 days.

Upon receipt of the request, the Agency issued its recommendation, concluding that due to unforeseen, temporary and uncontrollable circumstances, failure to grant the requested 45-day provisional variance, with conditions, would impose an arbitrary or unreasonable hardship on Petitioner.

The City of Charleston operates wastewater treatment facilities (WWTF) that normally discharge tertiary-treated effluent to a first order stream, Cassell Creek, tributary to Riley Creek, Kickapoo Creek, and the Embarras River. The limitations of the City's NPDES permit (numbered IL0021644) are 10 mg/l biochemical oxygen demand (BOD₅) and 12 mg/l suspended solids (TSS) (monthly averages). The WWTF has experienced several unexpected difficulties in unrelated incidents over the past four to six weeks: a mechanical failure of a sand filter cell (January 6, 1990), VFD pump problems, and recent heavy rains and snow melt. These result in diminished WWTF treatment capacity, an increased amount of WWTF influent, and an increase in the frequency of pumping to the storm water lagoons. Those stormwater lagoons, although designed for reintroduction of excess flows back to the WWTF for treatment and not for discharge to the stream, are presently full and at the point of overflowing their berms. Influent flows to the WWTF are presently beyond the hydraulic capacity of the plant, resulting in an overflow through an emergency manhole.

The City desires to operate a siphon tube from the lagoons for a period of 45 days to reduce the volume of wastewater they contain. To accomplish this, the City proposes mixing the siphoned untreated effluent with treated plant effluent, chlorinating the combined effluent, and discharging the chlorinated mixture to the stream. The City estimates that the combined effluent would contain 20 mg/l BOD₅ and 24 mg/l TSS.

The Agency has determined that a denial of the requested provisional variance would result in an arbitrary and unreasonable hardship on the City. It would result in increased wastewater flows to the WWTF beyond its hydraulic capacity, decreased effluent quality, and prolonged non-compliance once influent flows return to normal. The Agency believes that the environmental impact on the receiving stream will be minimal. The Agency does not believe that there would be any adverse impact on the City of Newton public water supply, which is 40 to 45 miles downstream. The Agency is unaware of any federal regulations that would preclude a grant of the requested relief. The Agency recommends that the Board should grant the provisional variance with certain conditions relating to plant operation, the duration of the variance, the combined WWTF effluent quality, and effluent monitoring.

Having received the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 304.120 and 304.141(a) subject to the following conditions:

1. The term of this provisional variance shall commence upon initiation of the discharge and continue for 45 days thereafter;
2. During the term of this provisional variance, the City of Charleston's effluent is limited to a maximum monthly average concentration of 20 mg/l BOD₅ and 24 mg/l TSS.
3. During the term of this provisional variance, the City of Charleston shall operate its wastewater treatment facility in a manner that produces the best practicable effluent quality, and the City of Charleston shall provide complete treatment for all flows as soon as such treatment is possible.
4. During the term of this provisional variance, the City of Charleston shall monitor its combined wastewater treatment plant and lagoon effluents for the parameters listed in NPDES permit IL0021644 at the point where the lagoon discharge and treated plant effluents mix prior to discharge to the receiving stream.

5. The City of Charleston shall, within ten days of the date of this order, forward to the Agency an executed copy of the Certificate of Acceptance and Agreement, as set forth in condition 6, 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

Attn: Patricia Lindsey

6. The City of Charleston shall, within ten days of the date of this order, execute a Certificate of Acceptance and Agreement, by which it agrees to be bound by all terms and conditions of this provisional variance, and that Certificate shall take the following form:

CERTIFICATE OF ACCEPTANCE AND AGREEMENT

I (We), _____
_____, do hereby certify that I have reviewed a copy of the Order of the Pollution Control Board in PCB 90-25, dated February 22, 1990, and do hereby accept and agree to be bound by all terms and conditions thereof.

Petitioner

Authorized Agent

Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 this _____ day of _____, 1990, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board