

ILLINOIS POLLUTION CONTROL BOARD
August 10, 1989

VILLAGE OF ST. LIBORY,)
)
 Petitioner,)
)
 v.) PCB 89-125
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on August 8, 1989 recommending that the Board grant a 45-day provisional variance to the Village of St. Libory. St. Libory requests this variance from 35 Ill. Adm. Code 304.141(a) for biochemical oxygen demand (BOD) and total suspended solids (TSS) while repair work and upgrading is completed on their lagoon.

St. Libory owns and operates wastewater treatment facilities which consist of a sewer system and treatment facilities. The treatment plant consists of a two cell aerated lagoon followed by a rock filter and effluent chlorination facilities. (Agency Rec. at 1). Effluent is discharged to the Little Mud Creek, tributary to the Kaskaskia River.

According to the Agency, St. Libory is presently required by its NPDES permit to meet effluent limitations of 25 mg/l CBOD and 37 mg/l TSS, both monthly average concentration limits. St. Libory has stated to the Agency "that numerous times over the years, these tubes (aeration tubes within the lagoon) which lie on the bottom have become clogged with sludge, thus severely impacting the treatment capability of the wastestream treatment facility." (Agency Rec. at 1). St. Libory has further stated "to correct the deficiency in the aeration system, the Village has elected to install new static tube aerators in the lagoon bottom to replace the Hinde aeration system." (Agency Rec. at 2).

St. Libory has stated that during this construction process, flows will be diverted to one temporary cell which will be constructed during the repair work, then to the rock filter and finally will be chlorinated before discharge. St. Libory has stated that they anticipate "effluent from this modified treatment process will achieve 80 mg/l BOD and 110 mg/l suspended solids." (Agency Rec. at 1).

The Agency states that it concurs with St. Libory's plan for correcting the problem. An Agency inspection conducted on January 20, 1988 recommended that the aeration system be repaired. The Agency states that failure to repair the lagoon's aeration system will allow the plant's effluent to degrade and that due to the proposed treatment and the short duration of this variance, the environmental impact on the Little Mud Creek and the Kaskaskia River will be minimal.

The Agency states that it agrees with St. Libory that denial of this provisional variance petition would create an arbitrary or unreasonable hardship upon St. Libory. The Agency's position is based on the fact that this problem will not go away and until the problem is corrected, St. Libory's effluent will only get worse. The Agency also stated that there are no federal regulations which would preclude the granting of this variance, and that the Agency is unaware of any public water supplies which would adversely be affected by granting this provisional variance.

The Board having received notification from the Agency that compliance on a short term basis with the effluent limitations imposed by 35 Ill. Adm. Code 304.141 would impose an arbitrary or unreasonable hardship upon St. Libory, and the Board concurring in that notification, will grant St. Libory's provisional variance, subject to the conditions suggested by the Agency.

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

ORDER

1. The Village of St. Libory is hereby granted provisional variance from 35 Ill. Adm. Code 304.141(a), subject to the following conditions:
 - a. Variance shall begin when the dewatering of the lagoon is begun and continue for 45 days or until the lagoon is returned to service, whichever occurs first.
 - b. During the period of this variance, the effluent discharged shall be limited to 80 mg/l BOD and 110 mg/l suspended solids (monthly average, concentration limits).
 - c. During the period of this variance, St. Libory shall continue to chlorinate their effluent. St. Libory shall monitor their chlorine level daily and ensure that proper disinfection is being maintained.
 - d. St. Libory shall notify Chris Port of the Agency's Collinsville Regional Office via telephone at 618/346-5120 when dewatering of the lagoon is begun, and when the unit is returned to service. Written confirmation

of each notification shall be submitted within 5 days to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276
Attention: Mark T. Books

- e. St. Libory shall return the lagoon to service as quickly as possible, and shall provide the best treatment practicable during the variance.
- 2. Within 15 days of the date of this Order, St. Libory shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within fifteen day period. The fifteen day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), The Village of St. Libory, having read the Order of the Illinois Pollution Control Board, in PCB 89-125, dated August 10, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 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, hereby certify that the above Opinion and Order was adopted on the 10th day of August, 1989, by a vote of 7-0.

Dorothy M. Gunn, Clerk
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board