

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

SALT CREEK DRAINAGE BASIN)
SANITARY DISTRICT S.T.P.,)
)
Petitioner,)
)
v.) PCB 89-37
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board upon a February 21, 1989, Illinois Environmental Protection Agency (Agency) Recommendation that the Board grant a 20 day extension to a provisional variance issued to the Salt Creek Drainage Basin Sanitary District S.T.P. (Petitioner) on January 5, 1989 in PCB 89-1. Petitioner requests a variance extension to allow time to do necessary repairs, sand blasting, and painting on the sand filter. While these necessary repairs are being made it will not be able to chlorinate and will therefore violate its NPDES Fecal Coliform Effluent Limits.

Petitioner owns and operates a 5.0 MGD wastewater treatment facility which consists of a bar screen, aerated grit removal, pre-aeration, primary sedimentation, activated sludge, secondary clarification, rapid sand filtration, and chlorination. Primary and waste activated sludges are anaerobically digested prior to land application. Effluent is discharged to Salt Creek which is a tributary of the Des Plaines River.

Petitioner presently is required by its NPDES permit to meet effluent Fecal Coliform limitation of 400 per 100 ml for daily maximum.

Petitioner received from the Board a provisional variance on January 5, 1989 (PCB 89-1). The variance began January 9, 1989 when the sand filter was removed from service and continued until February 8, 1989, 30 days. Petitioner has indicated that the repair work on the sand filter could not be completed during the 30 day variance due to the following reasons:

1. Rusting spots on the filter required more sand blasting than originally planned.
2. The large fluctuations in temperature have caused delays in repainting the tanks.

Temperatures were in the 40's when the tank was drained, however, during the first week in February the high temperature was only in the teens.

Petitioner has stated that they currently chlorinated in the clear well which is located below the rapid sand filter. Therefore, once the sand filter was removed from service for the necessary repairs, Petitioner is not able to chlorinate until the filter is brought back on line. Petitioner has stated, and the Agency agrees, that additional time is needed to complete this repair work due to the additional time needed for sand blasting and poor weather conditions encountered during the construction.

The Agency anticipates that since secondary treatment will be provided that the environmental impact on Salt Creek caused by this repair work will be minimal.

There are no public water supplies which would be adversely affected by granting this provisional variance. The closest downstream water supply is Peoria Water Co., approximately 200 miles downstream.

There are no federal laws which would preclude the granting of this variance.

The Agency's opinion is that denial of this provisional variance petition would create an arbitrary and unreasonable hardship upon the Petitioner. The Agency bases its opinion on the fact that the repainting work is necessary to maintain structural stability and the Petitioner has no alternative to removing the sand filter from service to do the necessary work.

The Agency recommends, therefore, that the Salt Creek Drainage Sanitary Basin S.T.P. be granted a provisional variance from 35 Ill. Adm. Code 302.209 Fecal Coliform subject to certain conditions.

The Board having received notification from the Agency that compliance on a short term basis with the Fecal Coliform limitations imposed by 35 Ill. Adm. Code 302.209 would impose an arbitrary and unreasonable hardship upon Petitioner, and the Board concurring in that notification, the Board grants extension to its 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

The Salt Creek Drainage Basin Sanitary District S.T.P.

(Petitioner) is hereby granted provisional variance from 35 Ill. Adm. Code 302.209 Fecal Coliform subject to the conditions set forth below:

1. This variance shall commence on February 9, 1989 and continue for a period of 20 days or until the filter is returned to service whichever occurs first.
2. Petitioner shall notify Ted Denning at the Agency's Maywood Regional Office via telephone at 312/345-9780 when the filter is returned to service. Written confirmation of each notification shall be sent within 5 days to the following address:

Illinois Environmental Protection
Agency
The Intercontinental Center - Suite
600
1701 S. First Avenue
Maywood, IL 60153

ATTN: Ted Denning

Illinois Environmental Protection
Agency
Compliance Assurance Program
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

ATTN: Jan Hopper

3. During this provisional variance, Petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Petitioner shall perform the necessary repair work on the sand filter as expeditiously as possible so as to minimize the period of time that it is out of service.
4. Within 10 days of the date of this Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the Springfield address indicated above.

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

CERTIFICATE

I, (We), Salt Creek Drainage Basin Sanitary District S.T.P., having read the Order of the Illinois Pollution Control Board, in PCB 89-37, dated February 23, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

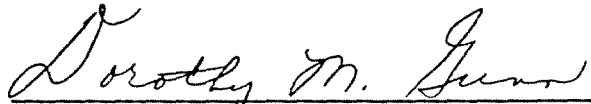
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111¹/₂, 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 23rd day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board