

ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

CITY OF MACOMB,)
)
 Petitioner,)
)
 v.) PCB 87-100
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon a July 15, 1987, Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, the City of Macomb (City) be granted a provisional variance subject to certain conditions to allow the City to exceed the effluent limitations in its NPDES permit for biochemical oxygen demand (BOD) and total suspended solids (TSS) while construction is underway at its wastewater treatment facility.

The City owns and operates a wastewater treatment facility with a design average flow of 4.0 million gallons per day (MGD) and a design maximum flow of 7.5 MGD. The treatment facility consists of preliminary treatment, primary treatment, an activated sludge system, a tertiary lagoon and chlorination. Discharge is to the Killjordan Creek.

The City is currently in the process of upgrading its treatment facility. During the construction period, one half of the primary and secondary treatment system has been shut down with total elimination of the tertiary lagoon. Excess flows result in the inability of the remaining portion of the treatment facility to meet the BOD/TSS limitations of 10/12 mg/l as required in its NPDES Permit No. IL0029688. The City anticipates that construction will be completed on August 1, 1987, and that one week will be necessary to establish a biological growth in the portion of the plant that has been taken out of service due to construction.

The City contends that to meet compliance while under construction a temporary treatment facility would need to be constructed which would impose an arbitrary and unreasonable hardship. The Agency agrees with the City's assessment that an arbitrary and unreasonable hardship would result. The Agency

also believes that, if a provisional exception is granted, the expected environmental impact will be minimal because secondary treatment is being provided.

After determining that federal regulations would not preclude the granting of variance, that the City has not received a provisional variance within this calendar year, and that no public water supplies would be adversely affected, the Agency recommended that the City of Macomb be granted a provisional variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a) subject to the conditions listed in the Order below.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, the Board hereby grants the provisional variance as recommended.

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

ORDER

The City of Macomb is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120(c) and 304.141(a) subject to the following conditions:

1. The Variance shall begin June 23, 1987, and shall continue until August 7, 1987, or until the entire treatment system is returned to service, whichever occurs first.
2. Effluent shall be limited to 30 mg/l for both BOD and TSS as monthly averages and a daily maximum of 45 mg/l for both BOD and TSS. Effluent shall be sampled according to NPDES Permit No. IL0029688 as to frequency and sample type. Analysis results shall be submitted to the Agency on the monthly discharge monitoring report (DMR).
3. The City of Macomb shall notify Gary Reside of the Agency's Compliance Assurance Section via telephone at 217/782-9720 when the entire treatment system is returned to service. Written confirmation of the telephone notification shall be submitted within 5 days to the Agency at the address given below:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Springfield, IL 62706
ATTN: Gary Reside

- 4. The City of Macomb shall operate that portion of the treatment facility remaining in operation so as to preclude the best effluent possible.
- 5. Within 10 days of the date of this Order the City of Macomb shall execute a Certificate of Acceptance agreeing to be bound by the terms and conditions of the variance. This Certificate of Acceptance shall be sent to James Frost at the Address given above.

CERTIFICATION

I, (We) The City of Macomb, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 87-100, July 16, 1987.

Petitioner

By: Authorized Agent

Title

Date

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 16th day of July, 1987 by a vote of 6-0.

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