

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1987

CITY OF MACOMB,)
)
 Petitioner,)
)
 v.) PCB 87-129
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon an August 10, 1987, recommendation of the Illinois Environmental Protection Agency (Agency). On August 14, 1987, the Agency received a request for a 30 day extension on the provisional variance, PCB 87-100, granted July 16, 1987. The Agency recommends that because of an arbitrary and unreasonable hardship, the City of Macomb (City) be granted an extension of their 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).

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.

During construction of the new final clarifier, the paint on the new equipment was found to be defective. The repair work will require removal of the paint by sand blasting. The repainting requires that the clarifier be taken out of service to perform this work.

The City met its NPDES Permit IL0029688 limitations of 10/12 mg/l monthly average respectively for BOD and TSS during June and July, 1987. During these months only one clarifier was in service due to construction work. The City believes that it will meet its NPDES Permit limits during this repainting period under normal flow conditions. However, the City is concerned that a high flow due to excessive rainfall may cause it to exceed its Permit limits with only one clarifier in service.

The City contends that to be in compliance it would have to construct a temporary treatment facility. The City argues that such a requirement 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 and that no public water supplies would be adversely affected, the Agency recommended that the City of Macomb be granted an extension of 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 Board's findings of fact and conclusions of law in this matter.

ORDER

The City of Macomb is hereby granted an extension of the provisional variance, granted in PCB 87-100, July 16, 1987, from 35 Ill. Adm. Code 304.120(c) and 304.141(a) subject to the following conditions:

1. The variance shall begin August 18, 1987, and shall continue until September 16, 1987, or until the clarifier 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 62794-9276

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 20th day of August, 1987 by a vote of 6-0.

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