

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1987

CITY OF CREST HILL,)
)
) Petitioner,)
)
) v.) PCB 87-74
)
) ILLINOIS ENVIRONMENTAL)
) AGENCY,)
) Respondent.)

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

This provisional variance request comes before the Board upon a June 1, 1987, Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, the City of Crest Hill (City) be granted a provisional variance subject to certain provisions to allow the City to exceed fecal coliform limits in its NPDES permit No. IL0021121 due to the construction activities currently underway at its wastewater treatment facility.

The City owns and operates a 1.25 million gallons per day (MGD) wastewater treatment facility consisting of an activated sludge sewage treatment plant, two polishing lagoons and a chlorine contact zone. Effluent is discharged to the Rock Run Creek tributary to the Illinois and Michigan canal.

Plant improvements underway provide for construction of a new chlorine contact basin and outfall. The construction requires the existing chlorine basin and outfall to be abandoned in order to construct the new units. Disinfection will be provided by a temporary outfall from the existing 6.44 acre polishing pond and a temporary chlorine feed will be established for the plant's secondary effluent prior to its discharge to the polishing pond.

The City contends that due to the existing bottom deposits in the polishing pond and the approximate eight day detention time at existing flows, it believes that the fecal coliform limit for the effluent will be exceeded. The City alleges that alternative methods of assuring compliance, i.e. construction of a temporary contact basin or temporary by-pass line to the existing basin, represent substantial cost without further use to the project. Therefore, the City argues, denial of its provisional variance petition would create an arbitrary and unreasonable hardship since the new chlorine contact basin and outfall cannot be constructed without removal of the existing units.

The Agency agrees that an arbitrary and unreasonable hardship would occur if the provisional variance is denied. The Agency has determined that because the City discharges into the Rock Run Creek tributary to the Illinois and Michigan Canal, environmental impacts will be minimal if the variance is granted. The Agency has also determined that there are no downstream public water supplies to be adversely affected. Concluding that no federal laws preclude the granting of this provisional variance, the Agency has recommended that the Board grant this provisional variance subject to the conditions incorporated into the Board's order.

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 finding of fact and conclusion of law in this matter.

ORDER

The City of Crest Hill is hereby granted a provisional variance from 35 Ill. Adm. Code 304.121, subject to the following conditions:

1. The variance shall commence on June 2, 1987, and extend to July 17, 1987, or until the new chlorine contact basin and outfall is operational, whichever occurs first.
2. The City shall operate and maintain its wastewater treatment facility so as to produce the best effluent practicable.
3. Within ten (10) days of the date of this Order, the City shall execute a Certificate of Acceptance agreeing to be bound by the terms and conditions of this variance which shall be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

ATTN: Mr. Jim Frost

CERTIFICATION

I, (We) the City of Crest Hill, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 87-74, June 2, 1987.

Petitioner

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 2nd day of June, 1987 by a vote of 4-0.

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