

ILLINOIS POLLUTION CONTROL BOARD
April 18, 1985

CITY OF KEITHSBURG,)
)
 Petitioner,)
)
 v.) PCB 85-49
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon an April 18, 1985 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 15-day provisional variance be granted to the City of Keithsburg (City) from 35 Ill. Adm. Code 304.120(a) to allow bypassing of its primary treatment plant while it drains a Spiragester tank in order to weld new metal plates over the rusted and deteriorated areas of the tank, repaint, and make other necessary repairs.

The City of Keithsburg, which has a population of 937, is located in Mercer County adjacent to the Mississippi River. The Petitioner's existing sewage treatment plant offers primary treatment only and discharges pursuant to NPDES Permit No. IL0021393 to the main navigation channel of the Mississippi River just below the mouth of Pope Creek. The City's wastewater treatment facilities include sewers, a lift station, sludge drying beds, and a Spiragester tank (i.e., a modified version of the Imhoff tank). (Rec. 1). The Petitioner has stated that its Spiragester tank has significantly rusted and deteriorated; thereby necessitating replacement of portions of the tank and subsequent painting. (Rec. 1).

The Petitioner received a variance from 35 Ill. Adm. Code 304.120(a) and 35 Ill. Adm. Code 304.121 until July 1, 1988 in PCB 84-57. (See: City of Keithsburg v. IEPA, PCB 84-57, Opinion and Order of January 24, 1985). This variance in PCB 84-57 established effluent limits of 85 mg/l BOD and 75 mg/l suspended solids as monthly averages. The requested provisional variance is sought to allow the City to be able to continue to meet the effluent limitations set forth in PCB 84-57 until secondary treatment is provided. (Rec. 2).

The following table summarizes the relevant information obtained from the Petitioner's discharge monitoring reports to

the Agency pertaining to BOD and suspended solids levels during the past year:

<u>Month</u>	<u>Flow (MGD)</u>	<u>Influent (mg/l)</u>		<u>Effluent (mg/l)</u>	
		<u>BOD</u>	<u>TSS</u>	<u>BOD</u>	<u>TSS</u>
3/84	0.109	127	118	69	61
2/84	0.109	125	112	81	61
1/84	0.096	122	102	78	60
12/83					
11/83					
10/83	0.096	155	134	84	72
9/83	0.109	127	93	77	64
8/83	0.131	119	91	68	70
7/83	0.123	127	103	67	60
6/83	0.166	119	96	57	50
5/83	0.252	109	88	63	53
4/83	0.135	119	84	47	51
Average	0.133	125	102	69	60

Those months where no values are reported in the above table indicate that the applicable discharge monitoring reports were not in the Agency's file. The proposed discharges from the Petitioner's sewerage system are identified in the table above under the "influent" column, since the City proposes to bypass the treatment facility and discharge directly into the Mississippi River using the same discharge pipe.

The Petitioner has asserted that the environmental impact of bypassing the Spiragester tank and discharging directly into the Mississippi River will be minimal due to the low sewage flows and the large dilution ration of 5,100 to 1 in the river. (Rec. 1). The Agency agrees with the Petitioner that the proposed discharges will have a minimal environment impact. (Rec. 1).

The City of Keithsburg has estimated that it will take five actual days of work time to repair and paint the Spiragester tank and has requested a provisional variance from May 27, 1985 to June 2, 1985 (i.e., seven days) for performing this work. The proposed seven day variance period includes two days in case the start of the repair work needs to be delayed due to unfavorable weather conditions. However, the Agency believes that the Petitioner should be provided with more flexibility in case unfavorable weather conditions are encountered. Therefore, the Agency has recommended that a 15 day provisional variance period is appropriate in the present case. (Rec. 2). The Board agrees with the Agency's reasoning and analysis of the situation and will accordingly provide the Petitioner with more flexibility by adopting a longer time frame as per the Agency's recommendation.

The Petitioner intends to place the sludge from the Spiragester tank on drying beds and dispose of this sludge in its customary manner during the time period that repairs are being made. (Rec. 2). The City believes that there is no practical

alternative to taking the Spiragester tank out of service to perform the required repair and repainting work. The Agency agrees with the Petitioner and considers the repair work necessary to properly maintain the level of treatment currently being provided. (Rec. 2). The record in PCB 84-57 indicated that the City of Keithsburg's primary treatment facility is well operated and maintained and that the City was nominated for a Group D plant award in 1982.

The Agency has stated that it "is not aware of any potable water supply between Petitioner's point of discharge and Lock and Dam No. 18 which would be adversely impacted by granting this variance" due to the large dilution ratio of 5,100 to 1 and the anticipated minimal environmental impact. (Rec. 3). The City has contended that denial of this requested provisional variance would cause an arbitrary or unreasonable hardship since there is no readily available alternative to bypassing the Spiragester tank. The Agency agrees with the Petitioner's assessment that denial of the requested relief would cause an arbitrary or unreasonable hardship and notes that the tank will be out of service an extremely short time and the environmental impact is expected to be minimal during this time period. (Rec. 2).

Accordingly, the Agency has concluded that compliance on a short-term basis with the provisions of 35 Ill. Adm. Code 304.120(a) would impose an arbitrary or unreasonable hardship upon the Petitioner. Therefore, the Agency recommends that the Board grant the City of Keithsburg a provisional variance from Section 304.120(a) for a period of 15 days, subject to certain conditions.

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 Keithsburg is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120(a) to allow bypassing of its primary treatment plant while repairs are made, subject to the following conditions:

1. This provisional variance shall commence when the Spiragester tank is taken out of service and shall continue for 15 days, or until the Spiragester tank is returned to service, whichever occurs first.

2. The Petitioner shall sample the discharge and perform laboratory analyses as required in its NPDES Permit No. IL0021393. The laboratory results shall be recorded on its discharge monitoring reports and submitted to the Agency as required by its NPDES Permit No. IL0021393.

3. The Petitioner shall notify Mr. James Frost of the Agency's Compliance Assurance Section via telephone at 217/782-9720 when the Spiragester tank is removed from service and when it is returned to service. Written confirmation of the telephone notification shall be submitted within 5 days thereof to:

Mr. James Frost
Compliance Assurance Section
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

4. The Petitioner shall monitor the draining of the Spiragester tank to assure that all sludge removed is placed on the sludge drying beds for dewatering and subsequent proper disposal.

5. The Petitioner shall perform the repair and painting work as expeditiously as possible so as to return the Spiragester tank to service as quickly as possible.

6. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to the Agency at the address specified in condition 3, above, of this Order.

This certification shall have the following form:

I, (We) _____, having read the Order of the Illinois Pollution Control Board in PCB 85-49 dated April 18, 1985, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

Board Members J. Marlin and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18 day of April, 1985 by a vote of 5-0.

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