

ILLINOIS POLLUTION CONTROL BOARD  
July 17, 1984

VILLAGE OF ODIN, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 84-88  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This provisional variance request comes before the Board upon a July 13, 1984 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that the Board grant the Village of Odin a 45-day provisional variance from 35 Ill. Adm. Code 304.120 to allow a temporary discharge from the proposed holding lagoon, if necessary, during the period of time that the existing municipal sewage treatment plant is shut down for maintenance and repairs.

In its Recommendation, the Agency apparently inadvertently omitted the requisite language mandated by Section 35(b) of the Illinois Environmental Protection Act (Act) pertaining to "arbitrary or unreasonable hardship". Section 35(b) of the Act reads as follows:

"The Board shall grant provisional variances, only upon notification from the Agency that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement would impose an arbitrary or unreasonable hardship. Such provisional variances shall be issued within 2 working days of notification from the Agency."

Accordingly, the Board notified the Agency about the aforementioned language omission, and the Respondent filed a Supplement to the Agency Recommendation on July 16, 1984 which corrected the language problem.

On May 31, 1984, the Petitioner had previously filed a Petition for Variance in PCB 84-65 which requested a variance in order to construct a temporary lagoon to hold and treat its wastewater while its municipal wastewater treatment plant is shut down for necessary maintenance. On July 9, 1984, the Village of Odin filed a letter with the Board which requested permission to

withdraw its previously filed variance petition in light of its pending provisional variance request. On July 17, 1984, prior to consideration of this provisional variance, the Board entered an Order granting the Petitioner's motion for withdrawal of its variance petition and dismissed the case having the docket number PCB 84-65.

The Village of Odin, which has a population of 1,263 people, is located in Marion County. The Petitioner's wastewater treatment plant (WWTP), which was built in 1963, operates pursuant to its NPDES Permit No. IL0022616 which establishes an interim discharge limit of 30 milligrams per liter (mg/l) for five-day biochemical oxygen demand (BOD) and also sets a limit of 30 mg/l for total suspended solids (TSS). Any discharges from the lagoon are expected to be approximately 50 mg/l for BOD and TSS, although such discharges are not anticipated to occur unless excessive rainfall occurs during the repair period. (Rec. 1-2, 4-5).

The Village's WWTP, which has a design average flow of 0.2 million gallons per day (mgd), includes a collection and treatment system consisting of various sewers, a comminutor bar screen, two lift stations, a "package" contact stabilization unit and chlorination. (Rec. 1-2). Because the Petitioner's "package" contact stabilization unit consists of a single treatment cell, there is no provision for treatment of the effluent in a parallel unit while the contact stabilization unit is inoperable. (Rec. 2).

The Petitioner's proposed maintenance and repair plan, which is expected to cost approximately \$50,000, includes: (1) drainage and cleaning of its tanks; (2) removal of all sludge, grit, and debris; (3) replacement or repair of the air distribution system as needed; (4) repair of the sludge collection equipment; (5) sandblasting, repair, and application of protective coatings to all internal tank structures, and (6) inspection and replacement of valves as needed. (Rec. 2-3). The village has estimated that all maintenance activities can be completed in about 20 working days. In its Recommendation, the Agency has indicated that it does not disagree with the village's assessment of the condition of the WWTP and agrees that the proposed repairs and maintenance are both necessary and overdue. (Rec. 2).

In reference to the possibility of a construction grant to aid in financing the maintenance program, the Agency has indicated that, although the Petitioner is in the Construction Grants Program, its priority number is 606. Because anticipated funding levels will only fund projects that have priority numbers less than 600, the ability of the State of Illinois to offer a grant at this time to the Village of Odin is considered by the Agency to be "too speculative to delay maintenance". (Rec. 3).

The Agency has stated that there appears to be no reasonable alternative to the maintenance plan proposed by the Village of Odin. It would not be economically feasible to design and construct

a parallel treatment unit capable of achieving the requisite NPDES effluent limits, since the cost would be about \$1,100,000. (Rec. 3).

The Village of Odin's WWTP discharges effluent into an unnamed tributary of Turkey Creek and then to Crooked Creek and the Kaskaskia River pursuant to its NPDES Permit. Each of these waters has been classified as a "general use" water. (Rec. 3). The nearest monitoring station is located about 3.7 miles south of the Village of Odin upstream of the junction of Turkey Creek with Crooked Creek. The closest downstream monitoring station is about twenty-five river miles from the Village of Odin. (Rec. 3-4). According to the Agency, the nearest monitoring station produced the following data in 1981 for the months of June, July, and September:

DATE	STREAM-FLOW, INSTANTANEOUS (CFS) (00051)	OXYGEN, DIS-SOLVED (MG/L) (00300)	OXYGEN DEMAND, CHEMICAL (LOW LEVEL) (MG/L) (00335)	COLIFORM FECAL, UM-MF (COLS./100 ML) (31616)	SOLIDS RESIDUE AT 105 DEG. C, SUSPENDED (MG/L) (00530)
JUN 16	2.5	5.9	34	700	80
JUL 08	1.5	3.2	29	--	70
29	23	4.3	37	2600	160
SEPT 29	--	6.3	19	10	32

The Agency believes that the addition of an average effluent flow of between 0.1 mgd and 0.2 mgd containing 50 mg/l of BOD and 50 mg/l of TSS would not result in any appreciable or permanent environmental impact for the short time period of the provisional variance. (Rec. 4). Moreover, the design of the temporary lagoon with a capacity of two million gallons is expected to be large enough to contain the entire influent during the twenty day repair period, based on the following monthly flow data which the Agency derived from the Petitioner's discharge monitoring reports:

Month	Flow (mgd)	BOD (mg/l)		TSS (mg/l)	
	30 day Ave.	30 day Ave.	7 day Ave.	30 day Ave.	7 day Ave.
12/83	0.191	12.4	23.0	18.2	23.0
11/83	0.129	17.3	23.6	9.3	13.0
10/83	0.092	7.3	10.0	12.3	14.0
9/83	0.064	11.5	14.4	26.0	35.0
8/83	0.059	15.0	18.0	19.0	29.0
7/83	0.100	18.9	24.2	33.0	44.0
6/83	0.132	18.5	25.6	22.0	45.0

According to the Agency's analysis of the above delineated data, it is believed that the receiving streams will probably receive no effluent at all during the time the repair work is in progress. If excessive rainfall happens to occur during the repair period, the Agency expects that only a limited amount of effluent will be discharged into the receiving streams. Furthermore, if such excessive rainfall caused release from the temporary lagoon, it would be into a stream already carrying runoff for dilution. (Rec. 4-5). Additionally, the Agency notes that the Petitioner's WWTP has the ability to aerate the lagoon for odor control and that the effluent in the lagoon will give off no more odor than normal for this type of operation. (Rec. 4-5).

The Petitioner's NPDES Permit contains Standard Condition 13, which allows a "bypass" discharge if unavoidable to prevent loss of life or severe property damage. The Agency points out that raw sewage would be discharged directly to the tributary without any improvement from the lagoon if the village's WWTP failed due to the absence of the necessary maintenance, thereby causing significant environmental problems. The proposed repair plan is designed to facilitate the completion of the necessary maintenance at a time when the environmental impact, if any, will be minimized and for which the delay of a regular variance proceeding would endanger the ability of the facility to protect water quality. Thus, potential environmental injury will be avoided and no (or very little) discharge will result.

The Agency believes that the denial of the provisional variance would impose an arbitrary or unreasonable hardship on the Petitioner. Thus, the Agency recommends that the Board grant the Village of Odin a 45-day provisional variance from Section 304.120, 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 Village of Odin is hereby granted a 45-day provisional variance from 35 Ill. Adm. Code 304.120 to allow a temporary discharge from the proposed holding lagoon, if necessary, during the period of time that its wastewater treatment plant is shut down for maintenance and repairs, subject to the following conditions.

1. The variance period shall extend to a maximum of 45 days from the draining of the treatment unit to the closure of the lagoon as specified in item #6 of this Order, but in no case longer than September 30, 1984.

2. The lagoon shall be designed to:
  - a) Hold approximately 2.0 million gallons before discharge;
  - b) Allow aeration if necessary to control odor; and
  - c) Have a definite outfall to enable effluent sampling and minimize erosion.
3. Any effluent shall be:
  - a) Grab sampled on a daily basis by the Petitioner with results reported to the Agency within 10 days of sampling;
  - b) Limited to 50 mg/l of BOD and 50 mg/l of TSS; and
  - c) In compliance with the other conditions of its NPDES Permit No. IL0022616.
4. Mr. James Frost of the Agency shall be notified by telephone (217/782-9730) of the:
  - a) Start of construction of the lagoon;
  - b) Start of repairs to the treatment plant;
  - c) Completion of repairs; and
  - d) Closing of the lagoon.
5. This notification call shall be confirmed in writing to:

Mr. James Frost  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
Springfield, Illinois 62706
6. At the completion of repairs, the remaining standing water in the lagoon will be pumped through the plant for treatment before discharge or otherwise disposed of in a manner approved by the Agency.
7. After closing and filling, the lagoon shall be graded and seeded to minimize erosion.
8. Within 10 days of the date of the Board's Order, the Village of Odin shall execute a Certificate of Acceptance and

Agreement which shall be sent to Mr. James Frost, Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706. This certification shall have the following form:

CERTIFICATION

I, (We), \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in PCB 84-88 dated July 17, 1984, 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

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 17<sup>th</sup> day of July, 1984 by a vote of 5-0.

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