

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 1979

CITY OF MARION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 79-137  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This matter comes before the Board on a Petition for Variance filed on July 5, 1979, by the City of Marion requesting relief from Rules 402 and 402.1 of Chapter 3: Water Pollution Regulations, to allow Petitioner to discharge ammonia nitrogen to a daily maximum of 5 mg/l until March 1, 1980. On August 8, 1979, the Environmental Protection Agency submitted its recommendation in favor of granting the requested relief provided that Petitioner adhere to certain conditions. No hearing was held in this matter; hearing was properly waived in its petition pursuant to Procedural Rule 401(b).

On May 24, 1979, the Board granted the City of Marion a variance from Rules 203(c), 402 and 404(f)(ii)(A) of Chapter 3 in City of Marion v. EPA, PCB 79-46, which permitted a discharge of 10 mg/l BOD<sub>5</sub> and 12 mg/l total suspended solids from the Marion plant into the receiving stream. As indicated in the former Opinion, the City of Marion has recently constructed a new sewage treatment plant with a design capacity of 2.5 million gallons per day. The Marion sewage treatment plant discharges its effluent to the West End Creek which is tributary to the Crab Orchard Creek and the Crab Orchard Lake. (Pet. 2, 3).

The new treatment plant consists of two bar screens, a grit chamber and two primary settling tanks. The City's wastewater is then processed through ten 12-foot diameter rotating biological discs (Bio-Discs), two secondary settling tanks, two sand filters and a disinfection detention tank before it is discharged to the waters of Illinois. (Pet. 2, 3).

The Marion STP is currently operating under NPDES Permit IL0029751 which requires that the effluent quality not exceed 4/5 BOD<sub>5</sub>/TSS, despite the Board decision on May 24, 1979, to

allow a 10/12 BOD<sub>5</sub>/TSS effluent limitation and which ordered the Agency to modify Petitioner's permit accordingly. (Pet. 3).

While the Marion STP became operational in April, 1978, problems were almost immediately experienced with the Bio-Disc shafts. On July 11, 1978, a fish kill occurred as a result of a malfunction at the Marion plant for which the City has paid \$486.78 as compensation to the Illinois Department of Conservation. During the period between January and May, 1979, the Marion STP was operating with less than four Bio-Discs to treat incoming wastewater which resulted in incursions with the ammonia nitrogen effluent limitations. (Pet. 3, 5; Exh. C).

Rule 402.1 of Chapter 3 as adopted June 22, 1978, requires this Petitioner to meet a 1.5 mg/l ammonia nitrogen effluent limitation in the summer (April through October) and 4.0 mg/l for the remainder of the year provided that Petitioner not cause or contribute to a violation of the ammonia nitrogen water quality standard.

The Petition discloses that after extended negotiations, the original supplier had agreed to replace the ten Bio-Disc shafts with stronger units, and currently all ten have been replaced and nine of the ten are operational. Petitioner contends that once all the Bio-Discs become operational, it will require a reasonable amount of time to correct mechanical and operational difficulties in the system and for active biomass to accumulate properly on the surface of the Bio-Discs. The Petitioner requests and the Agency supports a variance to allow the discharge of ammonia nitrogen to a maximum daily concentration of 5 mg/l until March 1, 1980. (Pet. 4; Rec. 1, 2).

The Board finds that a variance is warranted to allow Petitioner to correct the mechanical problems and acquire the operational skills necessary to meet the ammonia nitrogen effluent requirements. Petitioner will be granted a variance from Rules 402 and 402.1 of Chapter 3 until March 1, 1980, provided that the ammonia nitrogen discharge from the Marion treatment plant does not exceed 5.0 mg/l as a daily maximum.

The Board will direct the Agency to modify Petitioner's NPDES permit to be consistent with this Order and the PCB 79-46 Order pursuant to Rule 914 of Chapter 3 to include such interim measures as may be achieved through the application of best practicable operation and maintenance practices in the existing facility.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The City of Marion, Illinois is hereby granted a variance from Rules 402 and 402.1 of Chapter 3: Water Pollution Regulations to the extent that compliance is required with that portion of Rule 203(f) (ammonia nitrogen) until March 1, 1980, subject to the conditions in Paragraphs 2, 3 and 5 as set forth below.

2. The discharge from the Marion treatment plant shall not exceed an ammonia nitrogen concentration of 5.0 mg/l as a daily maximum.

3. Petitioner, within 30 days of the date of this Order, shall request Agency modification of its NPDES Permit IL0029751 to incorporate all conditions of the variances in this proceeding and in PCB 79-46.

4. The Agency, pursuant to Rule 914 of Chapter 3, shall modify Petitioner's NPDES Permit IL0029751 to be consistent with all conditions set forth in this Order and the PCB 79-46 Order including such interim effluent limitations as may be reasonably achieved through the application of best practicable operation and maintenance practices in the existing facility.

5. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, an executed Certification of Acceptance and Agreement to be bound by all terms of the variance. The forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_ having read the Order of the Pollution Control Board in PCB 79-137, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.


\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6<sup>th</sup> day of September, 1979, by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board