

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1979

VILLAGE OF BETHANY,)
)
 Petitioner,)
)
 v) PCB 79-173
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Petitioner has requested a variance from Rules 404 and 402 as it pertains to deoxygenating wastes and 402.1 and 203(f) as it pertains to ammonia nitrogen. The Agency has recommended that a variance be granted. No hearing was held.

Petitioner was granted a variance from the phosphorus standards in Village of Bethany v. EPA, PCB 76-230, 24 PCB 349, December 2, 1976. The Board takes notice of the record in that proceeding.

Petitioner operates a sewage treatment plant in Moultrie County with a designed average flow of 200,000 gallons per day. The plant discharges to an unnamed tributary of Marrowbone Creek which flows into Lake Shelbyville.

Petitioner is presently required by Rule 404(f) to maintain effluent quality of 4 mg/l BOD and 5 mg/l suspended solids (4/5). Petitioner applied to the Agency for a Pfeiffer exemption which would have allowed a 10/12 standard but was denied because of inability to model downstream dissolved oxygen. Presumably this decision was based on the problems encountered by discharging to a tributary of Lake Shelbyville.

Both Petitioner and the Agency agree that Petitioner is presently unable to meet the 4/5 standard. Petitioner's Facilities Plan (Step 1 of its construction grant) determined that the most cost effective method to pursue was upgrading to meet a 10/12 standard and the addition of rotating biological contactors for ammonia removal. These improvements are scheduled for completion by March, 1981. Petitioner claims and the Agency agrees that Petitioner's other alternatives to its planned course, transporting its waste to another watershed or land application, are economically unreasonable.

The Board concludes that denial of a variance from Rule 404(f) would constitute arbitrary or unreasonable hardship. Compliance with the 4/5 standard would involve great expense

on Petitioner's part which may be rendered unnecessary if the Board adopts the pending rule change (R77-12, Docket C) which would drop the 4/5 standard. The Board does not feel it would be appropriate to require Petitioner to comply with the Agency's requested schedule of sampling for dissolved oxygen, BOD, ammonia and pH. The Agency has not shown that a community the size of Petitioner's (population 1300) should bear these additional costs.

Petitioner has also requested relief from Rule 402.1. While Petitioner has untreated influent less than 60 pounds per day and its treatment plant was in existence on April 11, 1977, the plant needs upgrading to comply with Rule 404(f). Consequently Petitioner does not qualify for an exemption from ammonia removal under Rule 402.1(a). The Agency has advised the Board that on at least one occasion in the past year Petitioner's effluent has caused the receiving stream to reach 6.4 mg/l ammonia nitrogen. Consequently Petitioner is presently required by Rule 402.1(b) to comply with Rule 203(f) from April to October and with an effluent standard of 4.0 mg/l from November through March. Since Petitioner is already planning to install ammonia removal facilities by March, 1981, denial of a variance from Rules 203(f) and 402.1(b) would also constitute arbitrary or unreasonable hardship.

ORDER

1. Petitioner is hereby granted a variance from Rule 404(f) of Chapter 3: Water Pollution for two years from the date of this Order or until the Board reaches a final decision in R77-12, Docket C, whichever occurs first, subject to the condition that discharges from Petitioner's treatment facilities not exceed 10 mg/l BOD and 12 mg/l suspended solids as monthly averages.
2. Petitioner is hereby granted a variance from Rules 203(f) as it pertains to ammonia nitrogen and 402.1(b) for two years from the date of this Order or until ammonia removal facilities are operational, whichever occurs first.
3. The Agency is hereby authorized to modify or reissue Petitioner's NPDES permit in a manner consistent with the terms of this Order including the application of interim effluent limitations based on best practicable operation and maintenance of existing treatment facilities.
4. Within 45 days of the date of this Order, Petitioner shall execute a certification of acceptance and agreement to be bound to all the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The certification shall be

forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-173 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of October, 1979 by a vote of 3-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board