

August 2, 1984

CITY OF MONMOUTH,)
)
) Petitioner,)
)
) v.) PCB 84-6
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
) Respondent.)

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

This matter comes before the Board upon a January 18, 1984 petition for modification of the Board's January 21, 1982 Order in PCB 79-249 (45 PCB 105) filed on behalf of the City of Monmouth (City). The petition essentially is both a request for an extension of a variance granted in PCB 79-249 and for a modification of the Order in PCB 80-107 (45 PCB 115, January 21, 1982). Both records are incorporated herein. Variance is requested from 35 Ill. Adm. Code 304.105, 304.301 and 304.120(c). Amended petitions were filed on March 2, and May 4, 1984. The Illinois Environmental Protection Agency (Agency) filed its recommendation on June 6, 1984 to grant the variance subject to conditions. Hearing was waived and none was held.

Pursuant to the above Orders, upgrading of the City's north wastewater treatment plant (North Plant) was to have been completed by January 20, 1984. Full operational status was to be attained in one year. An ammonia nitrogen evaluation was due in two years. The City requests an additional six months because of construction delays.

The City alleges arbitrary or unreasonable hardship if it must comply with the original time schedule because of construction delays which included a workmen strike threat, lagoon cleaning difficulties, weather, and delay in the delivery of a gas burner and shop drawings for electrical control panels. Attempts at compliance have cost \$1,560,655.59 which includes government grant money.

Discharge is to an unnamed tributary of Markham Creek. It has been classified by the Agency as semi-polluted which refers to the benthic organism classification. Flow continues to Cedar Creek, to the Henderson River and to the Mississippi River, respectively. Design average flow is 2.0 million gallons per day. The Agency asserts that the reason the City is not meeting interim effluent limitations appears to be due to construction. The Agency further asserts that any adverse impact to the receiving stream would be minimal.

The Agency states that the requested variance extension may be granted consistent with federal law, specifically Section 301(i) of the Clean Water Act, 33 U.S.C. 1251 et seq. (1977) and Title 40 of the Code of Federal Regulations, Part 125, Subpart J.

The City of Monmouth's request for a six month extension of the variance granted in PCB 79-249 as modified by PCB 80-107 from 35 Ill. Adm. Code 304.105, 304.301 and 304.120(c) is hereby granted for its North wastewater treatment plant subject to the conditions in the Order below. The Board notes that the City of Monmouth did not request variance from the un-ionized ammonia standard of Section 302.212. The Order below does not grant the City a variance from this section.

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

ORDER

The City of Monmouth's North Wastewater Treatment Plant is granted a variance from 35 Ill. Adm. Code 304.301, 304.120 (c), and 304.105 as it relates to Sections 304.301 and 304.120 (c), until July 31, 1987 subject to the conditions below:

1. Petitioner shall not cause or allow discharge levels of ammonia nitrogen in excess of the following levels from January 21, 1982 through July 31, 1986:

| | <u>Monthly Average</u> | <u>Daily Composite</u> |
|------------------|------------------------|------------------------|
| Ammonia Nitrogen | 70 mg/l | 90 mg/l |

2. Petitioner shall not cause or allow discharge of ammonia nitrogen in excess of the following levels from August 1, 1986 through July 31, 1987:

| | <u>Monthly Average</u> | <u>Daily Composite</u> |
|------------------|------------------------|------------------------|
| Ammonia Nitrogen | 2.5 mg/l | 5.0 mg/l |

3. Petitioner shall not cause or allow discharge of 5-day BOD or TSS in excess of the following levels from January 21, 1982 through July 31, 1985:

| | <u>Monthly Average</u> | <u>Daily Composite</u> |
|-----|------------------------|------------------------|
| BOD | 20 mg/l | 30 mg/l |
| TSS | 45 mg/l | 60 mg/l |

- 4. Petitioner shall comply with the applicable effluent limitations of 35 Ill. Adm. Code 304.120 for 5-day biochemical oxygen demand (BOD) and total suspended solids (TSS) after August 1, 1985.
- 5. Petitioner shall complete construction of its upgraded treatment works on or before July 31, 1984.
- 6. Petitioner shall attain operational level of its upgraded treatment works on or before July 31, 1985.
- 7. Petitioner shall complete and forward to IEPA an ammonia nitrogen evaluation of the new facilities on or before July 31, 1987.
- 8. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), _____ having read the Order of the Illinois Pollution Control Board in PCB 84-6 dated _____, understand and accept the said 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 4th day of August, 1984 by a vote of 6-0.

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