

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1986

VILLAGE OF NORTH UTICA, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-196  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This provisional variance request comes before the Board upon a November 6, 1986 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 21-day provisional variance be granted to the Village of North Utica (Village) from 35 Ill. Adm. Code 304.120 and 304.121 to allow the bypassing of the Petitioner's wastewater treatment facility during the time period that repairs are being made to the heating coils in the plant's digester.

The Village of North Utica, which is located in LaSalle County, Illinois, owns and operates a wastewater treatment facility (WWTP) which has a design average flow of 0.144 million gallons per day and discharges effluent into the Illinois River pursuant to the appropriate NPDES Permit authorization. (Rec. 1). The Petitioner's WWTP includes a pump station, bar screen, digester, chlorination facilities, and sludge drying beds. The Agency has issued NPDES Permit No. IL0023116 to the Village which requires the effluent to meet 90 milligrams per liter (mg/l) as a 30 day average for both five-day biochemical oxygen demand and total suspended solids. (Rec. 1).

The Agency received a previous request for a provisional variance from the Village of North Utica on September 29, 1986. However, this request was denied by the Agency on October 29, 1986 because of a lack of sufficient information to allow the Agency to make a recommendation. (Rec. 1).

The Petitioner believes that faulty heating coils are preventing the maintenance of the necessary temperature inside its digester. Accordingly, the Village has requested a provisional variance to allow it to drain the digester in order to repair the heating coils. (Pet. 1). The Village anticipates that the necessary repairs would involve: (1) draining as much sludge and water as possible out of the clarifier into existing drying beds; (2) pumping out the remaining sludge with a "mud

cat" pump; (3) hosing down walls and digester coils to clean them as much as possible; (4) inspecting coils and repairing these coils as needed, and (5) reactivating the digester and continuing with normal plant operations. (Pet. 1-2). In order to accomplish the requisite repair work, the Village has indicated that it is absolutely necessary to remove the digester from service in order to drain it so that the appropriate repairs can be made, thereby necessitating bypassing into the Illinois River during the time period that the digester is out of service. (Pet. 1-2).

The Village has presented no alternatives to bypassing its entire wastewater treatment facility while the digester is out of service. Because of the short duration of the proposed bypass, the Agency has concluded that the Village's plan for accomplishing the necessary repair work is the most practical and feasible course of action. (Rec. 2).

The Agency expects that there will be little adverse environmental impact upon the Illinois River from the Petitioner's effluent discharge given the short duration of the bypassing and the large dilution factor of greater than 10,000 to 1. Moreover, because of the time of the year that the repair work is being done, the Agency does not expect any adverse impact on the recreational uses of the Illinois River. (Rec. 2).

Based on the demonstrated necessity of repairing the heating coils and the short duration of the relief sought, the Agency agrees with the Petitioner's contention that denial of the provisional variance would create an arbitrary or unreasonable hardship in this case. Furthermore, although the Village has requested a provisional variance for only 14 days, the Agency has recommended that a 21-day provisional variance be granted in order to make some allowance for inclement weather. (Rec. 2).

The Agency has therefore concluded that compliance on a short-term basis with applicable standards would impose an arbitrary or unreasonable hardship upon the Petitioner. (Rec. 1-2). Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.120 and 304.121, subject to certain conditions.

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

ORDER

The Petitioner, the Village of North Utica, is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120 and 304.121 to allow the bypassing of its wastewater treatment facility during the time period that repairs are being made to the heating coils in its digester, subject to the following conditions:

1. The provisional variance shall commence when the digester is removed from service and shall continue for 21 days or until the digester is returned to service, whichever occurs first.
2. The Petitioner shall dispose of the contents of the digester in an environmentally safe manner.
3. The Petitioner shall notify Mr. Dennis Connor of the Agency's Rockford Regional Office via telephone at 815-987-7755 when the digester is taken out of service and when it is returned to service. Written confirmation of each verbal notification shall be submitted within 5 days to the following address:

Mr. Dennis Connor  
Illinois Environmental Protection Agency  
4302 North Main Street  
Rockford, Illinois 61103

4. The Petitioner shall make every effort to minimize the time that the digester is out of service.
5. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certification of Acceptance and Agreement which shall be sent to Mr. James Frost of the Agency at the following address:

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:

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 86-196, dated November 6, 1986, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

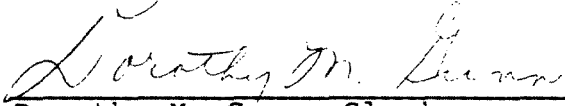
\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
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 6<sup>th</sup> day of November, 1986, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board