

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1985

VILLAGE OF AVISTON)
)
) Petitioner,)
)
) v.) PCB 85-104
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY)
)
) Respondent.)

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

This matter comes before the Board upon the filing by the Village of Aviston, Illinois (Aviston) of a July 12, 1985 petition for variance from 35 Ill. Adm. Code 304.120(c) for its publicly-owned wastewater treatment plant (WWTP) discharge. Pursuant to a July 19, 1985 Board more information order, Aviston filed an amended petition on September 9, 1985. The Illinois Environmental Protection Agency (Agency) filed its recommendation to grant the variance on November 5, 1985. Hearing was waived and none was held.

Aviston is located in Clinton County, Illinois. It discharges wastewater from its WWTP pursuant to NPDES permit number IL0020001. Discharge is to an unnamed ditch of Lake Branch which is tributary to Sugar Creek and to the Kaskaskia River. The unnamed tributary has a 7 day, 10 year low flow of zero.

The WWTP has a design average flow of 0.12 million gallons per day (MGD), a design maximum flow of 0.3 MGD and a one-time maximum flow of 0.55 MGD. It consists of a contact stabilization unit, dual RBC's, a secondary clarifier, tertiary sand filters, and chlorination equipment.

Section 304.120(c) requires that Aviston's discharge meet 10 mg/l biochemical oxygen demand (BOD) and 12 mg/l total suspended solids (TSS), as does its NPDES permit. The discharge monitoring report (DMR) results submitted to the Agency by Aviston do not agree with the Agency's sampling data. Aviston alleges that only in intensive wet weather does it exceed its permit limits, which is about 20 percent of the time.

Based on eight grab samples over a one-year period, the Agency's data for BOD ranged from 11 to 97 mg/l with an average of 36 mg/l, and TSS ranged from 6 to 80 mg/l with an average of 27 mg/l (Agency Rec. at 2). Of the eight samples collected, none met the BOD limits, only two met the TSS limit and the applicable ammonia limits were met only three times. Id. It is not clear

whether the Agency is comparing a grab sample to a daily composite. The Agency's data shows that Aviston is not meeting the effluent limits even during dry weather flow.

While Aviston claims that its discharges in excess of permit limits occur only during intensive wet weather when the ditch is relatively full, and the Agency claims that excess discharges do occur at low flow, both agree that any impact to the environment would be minimal. The Board finds that for the short term of any variance at the present discharge levels, adverse environmental impact will be minimal.

While Aviston makes no claim that immediate compliance with Section 304.120(c) would impose an arbitrary or unreasonable hardship, the Board construes the petition as alleging the requisite hardship. The Board finds that immediate compliance with Section 304.120(c) would impose an arbitrary or unreasonable hardship on Aviston. The Board agrees with Aviston and the Agency to grant the variance for one year subject to conditions.

Because further information is needed to prepare a proper compliance plan, the conditions of the variance essentially require a compliance plan to be developed and submitted within nine months of the date of this Order. There have also been ammonia nitrogen violations. An ammonia nitrogen limit will be imposed during flows in excess of 0.12 MGD. The Agency has requested imposition of a condition requiring Aviston to obtain a Class 2 operator for its plant. It has been represented that Aviston has agreed to this condition. Since Aviston has not responded otherwise, and the condition appears reasonable, the Board will impose it.

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

Order

The Village of Aviston is granted a variance from 35 Ill. Adm. Code 304.120(c) for its wastewater treatment plant discharge subject to the following conditions:

1. This variance begins on the date of this Order and expires on December 20, 1986.
2. When the monthly average flow exceeds 0.12 MGD (DAF), the effluent shall meet 30 mg/l BOD, 30 mg/l TSS and 10 mg/l ammonia nitrogen, all on a monthly basis.
3. When the monthly average flow is less than 0.12 MGD (DAF), Petitioner shall meet final effluent limitations in its NPDES permit.
4. Petitioner shall obtain the services of a Class 2 operator within three months of the date of this Board Order.

5. Petitioner shall submit a report within nine months of the date of this Order on its progress and plans to achieve compliance. The report shall include:

- a) Analysis of alternative means of achieving compliance,
- b) Complete and detailed basis of design for proposed alternatives,
- c) Cost analysis of alternatives,
- d) Schedule of implementation, and
- e) Method of financing

and shall be sent to the address in paragraph 6 below.

6. Petitioner shall execute and forward to James C. Frost, Illinois Environmental Protection Agency, Compliance Assurance Section, Division of Water Pollution Control, 2200 Churchill Road, Springfield, IL 62706, and to the Pollution Control Board, within twenty-eight days after the date of the Board Order herein a Certificate of Acceptance and Agreement to be bound to all the terms and conditions of this Variance. This period shall be held in abeyance during any appeal of this matter. The form of said Certificate to be as follows:

CERTIFICATION

Village of Aviston, an Illinois municipal corporation, has received and understands the Order of the Illinois Pollution Control Board in PCB 84-104 and hereby accepts said Order and agrees to be bound to all of the terms and conditions thereof.

By: _____
Michael B. Buscher

President, Board of Trustees

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 20th day of December, 1985 by a vote of 7-0.

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