

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1987

OAKLANE ACRES SUBDIVISION)
)
 Petitioner,)
)
 v.) FCB 87-145
)
 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 September 30, 1987, Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, Oaklane Acres Subdivision (Oaklane) be granted a provisional variance subject to certain conditions to allow Oaklane to exceed 35 Ill. Adm. Code 304.120 as it relates to BOD and TSS while replacement work on its lagoon's aeration system is completed.

Oaklane owns and operates a 0.0045 MGD DAF wastewater treatment facility consisting of a three stage aerated lagoon with post chlorination. Effluent is discharged to Ackerman Creek, tributary to Farm Creek which is a tributary of the Illinois River.

Oaklane is presently required by its NPDES Permit No. #IL0022152 to meet effluent limitations of 10 mg/l BOD and 12 mg/l TSS. Oaklane is required by its NPDES Permit to submit DMR's quarterly.

Oaklane has discovered that the aerators in the lagoon are clogged and in need of replacement in order to provide proper aeration in the lagoon. Oaklane has stated that the lagoon will need to be drained from the present depth of 10 feet to a level of 2 feet in order to replace the existing clogged tube aeration system with static tube, non-clogging aerators.

Oaklane's petition for variance requested relief for effluent limitations of 250 mg/l BOD and 300 mg/l TSS. The Agency noted that a Mr. Hermann, P.E., of Clark Engineers MW, Inc., representing Oaklane called via telephone to clarify that the 250/300 figures referred to quantity, whereas Oaklane intended to request effluent concentrations of 50 mg/l for both BOD and TSS. The Agency stated that the concentration limits of 50 mg/l for both BOD and TSS is more appropriate.

Oaklane is requesting variance for 5 days in duration to give enough time to replace the aeration system. Oaklane asserts that the environmental impact of lowering the lagoon would be minimal. The Agency agreed due to the short duration of the variance. In fact the alternative, no action, would cause effluent quality to worsen and then cause more serious environmental impact.

The Agency agrees with Oaklane that refusal to grant the requested variance would place an arbitrary and unreasonable hardship on Oaklane since the lagoon must be lowered in order to repair the aeration system. The Agency stated it was unaware of any alternatives that are economically feasible. The Agency further stated that no federal regulations preclude the granting of the variance. The Agency recommended that the Board grant the provisional variance subject to the conditions incorporated into the Board's order.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act, the Board hereby grants the provisional variance as recommended.

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

ORDER

Oaklane Acres Subdivision is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120 as it relates to BOD and TSS, subject to the following conditions:

- 1) This provisional variance shall commence upon initiation of lowering of lagoon and continue for a period of 5 days.
- 2) Oaklane shall notify Ken Newman of the Agency's Peoria Regional office vial telephone at 309/693-5463 when lowering of the lagoon is begun and when it is returned to service. Written confirmation of each notification shall be sent within 5 days to:

Illinois Environmental Protection Agency
5415 North University
Peoria, IL 61614

Attention: Ken Newman

- 3) During this provisional variance the effluent shall be limited to 50 mg/l BOD and 50 mg/l TSS as 30 day averages.

- 4) During this provisional variance, Oaklane shall operate its wastewater treatment facility so as to produce the best effluent practicable.
- 5) There shall be no discharge of bottom deposits. Any bottom deposits removed shall be disposed of after appropriate permits are obtained from the Agency.
- 6) Within 10 days of the date of this Order, Petitioner shall execute and submit a Certificate of Acceptance and Agreement to the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Attention: James Frost

CERTIFICATION

I, (We) Oaklane Acres Subdivision, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 87-145, October 1, 1987.

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 1st day of October, 1987 by a vote of 6-0.

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