

ILLINOIS POLLUTION CONTROL BOARD
May 11, 1989

CITY OF BYRON,)
(Ogle County),)
)
Petitioner,)
)
)
v.) PCB 89-80
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on May 10, 1989, recommending that the Board grant a 45-day provisional variance to the City of Byron. Byron requests this variance from 35 Ill. Adm. Code 304.141 to allow time to do repair work on its final clarifier.

Byron owns and operates a wastewater treatment plant which consists of a bar rake, grit chamber, preaeration tank, primary clarifier, contact stabilization activated sludge, disinfection, aerobic digestion, solar vacuum filtration, sludge drying beds, and sludge storage bins. The treatment facilities serve a community of approximately 2000 people. Effluent is discharged to the Rock River. Byron presently is required by its NPDES Permit #IL0027804 to meet effluent limitations of 30 mg/l for both five day biochemical oxygen demand ("BOD") and Suspended Solids ("SS"), (monthly avg., concentration limits). Byron is requesting limits of 45 mg/l for BOD and 60 mg/l for SS (monthly avg., concentration limits).

According to the Agency, during the spring of 1988, Byron completed work on a new secondary clarifier. Since the installation of the clarifier, the clarifier's surface skimmer skum mechanism has not worked properly. Stainless steel hinges which hold the skimmer in place keep breaking. This causes the bolts on the hinges to scrape against the side walls of the clarifier. This constant scraping of the broken hinges have rubbed the protective paint off the clarifier and has exposed bare metal.

Byron has stated that a "provisional variance is needed to make repairs to the final clarifier scum mechanism and to repaint damaged paint surfaces." (Variance request at 1). Mr. Andy Jackson (plant operator) informed the Agency by phone on May 9, 1989, that Byron wants to install rubber hinges on the skimmer to

Byron has indicated to the Agency that it should take 30 days to complete the necessary repairs. The Agency, however, feels that the variance should be for 45 days or until the repair work is completed, whichever occurs first, just in case Byron runs into any unforeseen problems.

The Agency states that it agrees with Byron that the environmental impact of this variance will be minimal. The Agency bases their decision on the fact that the variance will be of short duration, the remaining treatment which will be provided, and the large dilution factor of the Rock River.

According to the Agency, there are no federal regulations which would preclude the granting of this variance. The Agency states that it is not aware of any public water supplies which would be adversely affected by granting this provisional variance. Finally, the Agency concludes that denial of this provisional variance petition would create an arbitrary and unreasonable hardship upon Byron as failure to immediately correct this problem will result in additional damage to Byron's treatment facility.

The Board having received notification from the Agency that compliance on a short term basis with the effluent limitations imposed by 35 Ill. Adm. Code 304.141 would impose an arbitrary or unreasonable hardship upon Byron, and the Board concurring in that notification, will grant Byron's provisional variance, subject to the conditions suggested by the Agency.

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

ORDER

1. The City of Byron is hereby granted provisional variance from 35 Ill. Adm. Code 304.141, subject to the following conditions:

a. This variance shall commence when the final clarifier is taken out of operation and continue for a period of 45 days or until the repair work is completed, whichever occurs first.

b. Byron shall notify Joe Subsits of the Agency's Rockford Regional Office via telephone at 815/987-7755 when the final clarifier is taken out of operation and when the repair work is completed. Written confirmation of each notification shall be sent within 5 days to the address below:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
P. O. Box 19276
Springfield, Illinois 62794-9276
Attention: Mark T. Books

c. Byron's effluent during this variance shall be limited to 45 mg/l BOD and 60 mg/l SS (both monthly average, concentration limits).

d. Byron shall monitor the effluent from its treatment plant for the parameters as listed in NPDES Permit #IL0027804.

e. During this provisional variance, Byron shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Byron shall perform the necessary replacement work at the plant as expeditiously as possible so as to minimize the period of time that the final clarifier is out of service.

2. Within 10 days of the date of this Order, Byron shall execute and submit a certificate of Acceptance and Agreement which shall be sent to Mark T. books at the address indicated above.

This variance shall be void if Byron fails to execute and forward the certificate within a forty-five day period. The forty-five day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), City of Byron, having read the Order of the Illinois Pollution Control Board, in PCB 89-80, dated May 11, 1989, understand and accept the said Order realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

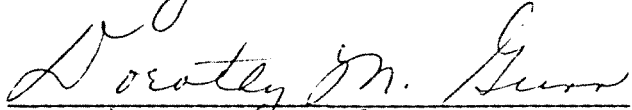
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Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111-1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 11th day of May, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board