

ILLINOIS POLLUTION CONTROL BOARD  
July 24, 1980

CITY OF BELVIDERE, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-86  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY )  
 )  
 ) Respondent. )

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

This matter comes before the Board on the April 21, 1980, petition by the City of Belvidere for variance from the BOD<sub>5</sub> and Total Suspended Solids (TSS) limitations of Rule 404(c) of Chapter 3: Water Pollution (Chapter 3). On June 18, 1980, the Environmental Protection Agency (Agency) filed its Recommendation in support of variance. Hearing was waived, and none was held.

Petitioner, the City of Belvidere (City), which is located in Boone County, owns and operates an area wastewater treatment facility serving 14,946 residents and 275 commercial and industrial users. The discharge monitoring reports for this facility for the past year show consistent excursions from the 10 mg/l BOD<sub>5</sub> and 12 mg/l TSS monthly average and the 25-30 daily maximum effluent limitations established by its NPDES permit. The City attributes these excursions to a) excessive infiltration and inflow, b) inefficiency of existing vacuum sludge filters, resulting in solids carryover into plant effluent, and c) the fact that the facility when upgraded in 1970 was designed to produce the 20 mg/l BOD<sub>5</sub> and 25 mg/l TSS monthly average effluent required by then existing rules (Pet. 1-2, Rec. 1-2).

The City has actively sought the funding necessary to upgrade its plant since 1977. It currently holds place number 633 on the Agency's Fiscal Year 1980 Construction Grants Priority list. Because of the numerous and costly problems involved with maintenance of its sludge filters, in 1979 the City applied for and received emergency authorization from the Agency to design and install belt filter press solids dewatering equipment prior to the eventual design and construction of the balance of the improvements identified in the City's facility plan. (It is important to note that in the emergency authorization situation, the authorized work is done without immediate 75% Federal Funding.) The City calculates that the dewatering equipment will be installed and operational by July 1, 1981, assuming no undue delays in Agency review of plans or in equipment manufacture. It is anticipated that

the balance of the plant improvements will be completed before July, 1983, although this time estimate is contingent upon Agency certification of Step 1 studies and the availability of Federal construction funds (Pet. 2, 4, 7, Rec. 3).

Pursuant to this plan for upgrading its facility, the City requests a two-step variance. First, until installation of the belt filter press dewatering system, and for approximately one month of operation thereafter (to allow the plant solids inventory to reach equilibrium), the City seeks to have the monthly average BOD<sub>5</sub> and TSS levels set at 30 and 30, and the daily maximum limits set at 75 and 75. Second, during the period after installation of the dewatering system but before completion of the balance of the upgrading improvements, the City petitions that these levels be set at a monthly average of 20 and 25, and a daily maximum of 50 and 63 (Pet. 6-7).

The City alleges that the grant of the requested variance will have no adverse impact on the quality of the Kishwaukee River into which its plant discharges, and the Agency confirms this. As its last point, the City explains that denial of variance would impose a severe economic hardship, in that the \$8.8 million dollars in capital improvements necessary for upgrading its plant are economically feasible only if the City can count on 75% of this cost being federally funded, which funding is contingent on compliance with applicable state law (Pet. 8, Rec. 3).

The Board finds that it would be arbitrary and unreasonable to refuse to grant the City's variance request; the City has moved expeditiously to upgrade its plant and essentially here petitions the Board for the necessary authorization to continue to do so. Therefore, variance from Rule 404(c) of Chapter 3 is granted, with conditions, through July 31, 1983. The Board extends the variance periods suggested by the parties by one month to provide some slight cushion for unavoidable delay.

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

#### ORDER

Petitioner, the City of Belvidere, is hereby granted a variance from Rule 404(c) of Chapter 3: Water Pollution, subject to the following conditions:

1) Through July 31, 1981, the effluent from the City's wastewater treatment facility shall not exceed the following effluent levels: a monthly average for both BOD<sub>5</sub> and Total Suspended Solids (TSS) of 30 mg/l, and a daily maximum for both BOD<sub>5</sub> and TSS of 75 mg/l.

2) From August 1, 1981, through July 31, 1983, the effluent from the City's wastewater treatment facility shall not exceed the

following effluent levels: a monthly average for BOD<sub>5</sub> of 20 mg/l and for TSS of 25 mg/l and a daily maximum for BOD<sub>5</sub> of 50 mg/l and for TSS of 63 mg/l.

3) The City shall continue diligent pursuit of grant funding for the upgrading of its facility.

4) The City shall operate and maintain its facility at all times in such manner as to produce effluent of the best quality practicable.

5) Within 45 days of the date of this Order, the City of Belvedere shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, and executed Certification of Acceptance and Agreement to be bound by all conditions of the variance. The forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We,) \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 80-86, dated \_\_\_\_\_, 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, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1980, by a vote of \_\_\_\_\_.

\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board