

ILLINOIS POLLUTION CONTROL BOARD
January 5, 1989

SALT CREEK DRAINAGE BASIN SANITARY DISTRICT S.T.P.,)	
)	
Petitioner,)	
)	
v.)	PCB 89-1
)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board upon a January 4, 1989, Illinois Environmental Protection Agency (Agency) Recommendation that the Board grant a provisional variance to the Salt Creek Drainage Basin Sanitary District S.T.P. (Petitioner). Petitioner requests a variance to allow time to do necessary repairs, sand blasting, and painting on the sand filter. While these necessary repairs are being made it will not be able to chlorinate and will therefore violate its NPDES Fecal Coliform Effluent Limits.

Petitioner owns and operates a 5.0 MGD wastewater treatment facility which consists of a bar screen, aerated grit removal, pre-aeration, primary sedimentation, activated sludge, secondary clarification, rapid sand filtration, and chlorination. Primary and waste activated sludges are anaerobically digested prior to land application. Effluent is discharged to Salt Creek which is a tributary of the Des Plaines River.

Petitioner presently is required by its NPDES permit to meet effluent Fecal Coliform limitation of 400 per 100 ml for daily maximum.

By phone call between the Agency and Fred Dale (Plant Manger) on January 3, 1989, Petitioner stated that it currently chlorinates in the clear well which is located below the rapid sand filter. Therefore, once the sand filter is removed from service for the necessary repairs it will no longer be able to chlorinate.

Petitioner has stated it has no alternative to remove this sand filter from service in order to do the necessary repair work. Petitioner notified the Agency on January 3, 1989, by phone, that some of the repainting work has already begun on the walls and the trusses of the sand filter building in order to keep the down time of the filters themselves to bare minimum.

Petitioner has currently applied for a Seasonal Chlorination Exemption to the Agency (received December 12, 1988). Although this does not affect this variance request per say, it appears that the Petitioner is a likely candidate

to receive such an exemption during winter months once the Agency rules in 35 Ill. Adm. Code 378 are adopted.

The Agency anticipates that since secondary treatment will be provided that the environmental impact on Salt Creek caused by this repair work will be minimal.

There are no public water supplies which would be adversely affected by granting this provisional variance. The closest downstream water supply is Peoria Water Co., approximately 200 miles downstream.

There are no federal laws which would preclude the granting of this variance.

The Agency's opinion is that denial of this provisional variance petition would create an arbitrary and unreasonable hardship upon the Petitioner. The Agency bases its opinion on the fact that the repainting work is necessary to maintain structural stability and the Petitioner has no alternative to removing the sand filter from service to do the necessary work.

The Agency recommends, therefore, that the Salt Creek Drainage Sanitary Basin S.T.P. be granted a provisional variance from 35 Ill. Adm. Code 302.209(b) Fecal Coliform subject to certain conditions.

The Board having received notification from the Agency that compliance on a short term basis with the Fecal Coliform limitations imposed by 35 Ill. Adm. Code 302.209 would impose an arbitrary and unreasonable hardship upon Petitioner, and the Board concurring in that notification, the Board grants its 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

The Salt Creek Drainage Basin Sanitary District S.T.P. (Petitioner) is hereby granted provisional variance from 35 Ill. Adm. Code 302.209 Fecal Coliform subject to the conditions set forth below:

1. This variance shall commence upon initiation of bypassing of the sand filter and continue for a period of 30 days or until the filter is returned to service whichever occurs first.
2. Petitioner shall notify Ted Denning at the Agency's Maywood Regional Office via telephone at 312/345-9780 when bypassing of the filter is begun and when it is returned to service. Written confirmation of each notification shall be sent within 5 days to the following address:

Illinois Environmental Protection Agency
The Intercontinental Center - Suite 600

1701 First Avenue
Maywood, Illinois 60153

ATTN: Ted Denning

Illinois Environmental Protection Agency
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

ATTN: Jan Hopper

3. During this provisional variance, Petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Petitioner shall preform the necessary repair work on the sand filter as expeditiously as possible so as to minimize the period of time that it is out of service.
4. Within 10 days of the date of this Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the Springfield address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the 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), Salt Creek Drainage Basin Sanitary District S.T.P., having read the Order of the Illinois Pollution Control Board, in PCB 89-1, dated January 5, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

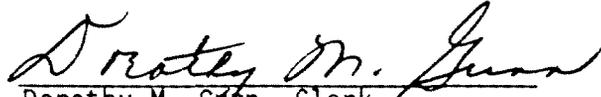
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 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 5th day of January, 1989 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board