

ILLINOIS POLLUTION CONTROL BOARD
December 13, 1979

CITY OF QUINCY,)
)
) Petitioner,)
)
) v.) PCB 79-202
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Goodman):

On September 27, 1979 the City of Quincy petitioned for a partial extension of a prior variance from Rules 403, 404(a) and 408(a) of Chapter 3: Water Pollution Control Rules and Regulations (Water Rules). The Agency has recommended that a variance be granted. Petitioner waived its right to a hearing.

Petitioner has been operating a water sludge disposal system pursuant to an NPDES permit and a Board variance. The variance allowed sludge waste consisting of sand, alum, lime, and silt to be discharged without treatment through an outfall (#002) into the Mississippi River when operational difficulties prevented wastes from being stored in a holding tank. Discharges through outfall #002 exceeding Petitioner's NPDES permit limitations for BOD₅, total suspended solids (TSS), and pH content were allowed by Board variances until October 1, 1979. Petitioner requests that the variances be extended to November 1, 1980.

Petitioner has spent nearly \$1.4 million to construct a water sludge treatment facility which would assure NPDES permit compliance. Petitioner, however, has encountered unforeseen difficulties with sludge removal from its raw water settling basin. Excessive amounts of sand, silt and debris from the Mississippi River have impeded sludge flow through existing sludge transfer pipes; consequently, pumping operations have been periodically suspended since sludge plant operation began in May of 1979. A basket strainer has been installed in the section line of the sludge pumps in an attempt to eliminate blockage of the pumps impellers; however, future modification or eventual replacement of the sludge transfer pumps may be necessary to assure unimpeded sludge removal from the settling basin.

Petitioner's only alternative to periodic sludge diversion through outfall #002 is to discharge sludge directly into existing sanitary sewers to the new sewage treatment plant. However, this procedure would allow a high concentration of suspended solids to create a blockage in the system and would adversely affect the anaerobic digestors and the activated sludge system.

Although discharge monitoring reports are required of Petitioner once every six months, the Agency has not received any reliable data on the incidence of sludge discharges through outlet #002 since May 14, 1979, which was after the sludge disposal facility had become operational. The Agency, however, does not contest Petitioner's allegation that the discharges will have an insignificant effect on the aquatic, plant and human life that utilize the Mississippi River.

Considering the minimal impact on the environment, the absence of a feasible alternative solution, and Petitioner's past good faith efforts to achieve compliance, the Board finds that denial of the requested variance would constitute an arbitrary and unreasonable hardship upon Petitioner. Since the Agency has no evidence that sludge pump modification has begun, it recommends that the variance be granted until January 1, 1981, as opposed to November 1, 1980. However, in order to insure completion of Petitioner's proposed corrective activity within the variance period, the Board extends the variance to March 1, 1981.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The Board hereby grants the City of Quincy a variance from the total suspended solids, BOD₅ and pH requirements of Rules 403, 404(a) and 408(a) of Chapter 3: Water Pollution for its water treatment plant sludge discharges into the Mississippi River from outfall #002 until March 1, 1981, subject to the following conditions:
 - (a) Petitioner shall apply for and receive from the Illinois Environmental Protection Agency all permits necessary to the completion of the sludge disposal project which it set forth in its petition.
 - (b) Within 45 days of the date of this Order, Petitioner shall execute a Certification of Acceptance and Agreement to be bound by the terms and conditions of this variance. The 45 day period shall be held

in abeyance if this matter is appealed. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Public Water Supplies, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-202, hereby accept said Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

- 2) The Agency is hereby granted authority to modify NPDES Permit No. IL0037591 in a manner consistent with the terms of this Order.
- 3) The Agency's motion for leave to file its Recommendation four days late is hereby granted.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of December, 1979 by a vote of 4-0.

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