

ILLINOIS POLLUTION CONTROL BOARD
May 5, 1988

DERBY MEADOWS UTILITIES)
INCORPORATED,)
)
Petitioner,)
)
v.) PCB 88-82
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)

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

This provisional variance request comes before the Board upon a May 4, 1988 recommendation filed by the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship the Petitioner, Derby Meadows Utilities Incorporated, be granted a provisional variance subject to certain specified conditions.

On April 25, 1988, the Agency received a request for a provisional variance from Petitioner. Petitioner is requesting a variance to repair and perform maintenance on a section of the plant that has settled. This will result in Petitioner exceeding its NPDES effluent limitations during the period that the tanks are out of service. Petitioner owns and operates a wastewater treatment facility which consists of a bar screen, two-stage activated sludge unit, secondary clarifiers, tertiary filters and chlorination. Effluent is discharged to Long Run Creek a tributary of the Illinois and Michigan Canal which is tributary to the Des Plaines River. Petitioner is presently required by its NPDES permit to meet effluent limitations of 10 mg/l for suspended solids on a monthly average.

Petitioner is requesting the variance "to permit rehabilitation work on those sections of the plant that have settled due to ground conditions." The repair work will require a portion of the plant to be drained in order to do the necessary work. The Agency agrees with the Petitioner that the repair work is needed. Petitioner has stated, and the Agency agrees, that there appears to be no alternatives to overloading the remaining part of the plant in order to perform the work required on the portion of the plant which has settled, thus creating a hardship adequate enough to justify this variance. The Agency anticipates that since the remaining portion of the plant will remain in service, the environmental impact of the Long Run Creek caused by part of the plant being out of service shall 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., in Peoria County. There are no federal laws which preclude the granting of this variance.

Petitioner has stated that their anticipated effluent limits will be 75 mg/l for BOD (monthly average), 50 mg/l for suspended solids (monthly average), and 25 mg/l for ammonia nitrogen (daily maximum). The Agency, however, feels that more realistic limits would be 25 mg/l for both BOD and suspended solids (monthly average) and 15 mg/l for ammonia nitrogen (daily maximum).

The Board hereby accepts the Agency's recommendation and pursuant to Section 35 of the Illinois Environmental Protection Act grants the provisional variance as recommended. This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Board hereby grants Derby Meadows Utilities Incorporated a provisional variance from 35 Ill. Adm. Code 304.141(a), BOD and suspended solids and 302.212, ammonia nitrogen, subject to the following conditions:

1. This variance shall commence upon initiation of bypassing of the settled portion of the treatment plant and continue for a period of 45 days or until the plant is returned to service or until July 1, 1988, whichever occurs first.
2. During the period of this variance, the effluent discharged shall be limited to 25 mg/l for both BOD and suspended solids (monthly average) and 15 mg/l for ammonia nitrogen (daily maximum).
3. Petitioner shall sample and perform laboratory analyses as required in NPDES permit #IL00045993.
4. Petitioner shall notify Bill Papadakis of the Agency's Maywood Regional office via telephone at 312/345-9780 when repair and maintenance of the settled portion of the plant is begun and when that portion of the plant is returned to service. Written confirmation of each notification shall be sent within 5 days to the following addresses:

Illinois Environmental Protection Agency
1701 First Avenue
Maywood, IL 60153

ATTN: Bill Papadakis

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

ATTN: Mark T. Books

- 5. During this provisional variance Petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Petitioner shall perform the necessary repair work on the plant as expeditiously as possible so as to minimize the period of time that it is out of service.
- 6. 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 will be void if the County fails to execute and forward the certificate within the 10 period. The 10 day period shall be in abeyance for any period during which the matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

I, (We), Derby Meadows Utilities Inc., having read the Order of the Illinois Pollution Control Board, in PCB 88-82, dated May 5, 1988, 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 3rd day of May, 1988 by a vote of 7-0.

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