

ILLINOIS POLLUTION CONTROL BOARD  
April 7, 1988

VILLAGE OF FORREST, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 88-63  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This provisional variance request comes before the Board upon an April 6, 1988 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, the Petitioner, Village of Forrest, be granted a provisional variance, subject to certain conditions, from 35 Ill. Adm. Code 302.209(b) to allow for removal of its tertiary lagoon from service for repair and upgrading, and to allow it to exceed its interim NPDES effluent limitations during the period that the lagoon is out of service.

Petitioner owns and operates a wastewater treatment facility which consists of a bar screen, imhoff tank, trickling filter, secondary pumping, activated sludge, aerobic digestion, and a tertiary lagoon with a chlorine contact zone. Design average flow is 0.21/MGD and effluent is discharged to the South Fork of the Vermillion River.

Petitioner presently is required by its NPDES permit to meet effluent limitations of 30 mg/l monthly average for both BOD and suspended solids and Fecal Coliform limits of 400 per 100 ml for monthly averages.

The Petitioner has stated that the repair and upgrading of the lagoon is to be done to satisfy a Municipal Compliance Plan (MCP). Petitioner has also stated "it is necessary to bypass the lagoon during this project." The Agency agrees with both of these statements.

Although Petitioner has requested the variance for BOD, suspended solids and fecal coliform, the evidence presented by the Petitioner indicates that the remaining treatment units could meet the current NPDES limits for BOD and suspended solids. Therefore the Agency considered the variance request for fecal coliform only.

Petitioner has stated that it will provide temporary chlorine treatment to the secondary clarifier effluent flume during this project. However, the Agency states that based upon subsequent information obtained via telephone, (from Douglas C. Melton of Farnsworth and Wylie, P.C. on March 30, 1988) the Petitioner is concerned that the chlorine contact time provided by this temporary hook-up will not be sufficient for disinfection.

The Agency anticipates that since the remaining portion of the plant will remain in service, the environmental impact on the South Fork of the Vermillion River caused by the tertiary lagoon being out of service 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 Company, approximately 125 miles downstream.

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

Petitioner claims that the refusal to grant the requested variance will impose an arbitrary and unreasonable hardship. The Agency states that it is supporting the hardship in this provisional variance based on the assumption that the Petitioner only recently became aware that the temporary chlorination system will lack sufficient detention time to meet standards and insufficient time was available to request a standard variance in lieu of the proximity of the July 1, 1988 compliance deadline. The Agency therefore recommends provisional variance, subject to conditions listed below.

Pursuant to Section 35(b) of the Environmental Protection Act, the Board hereby grants the provisional as recommended.

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

#### ORDER

The Village of Forrest, Petitioner, is hereby granted provisional variance from 35 Ill. Adm. Code 302.209(b) fecal coliform, subject to the following conditions:

- a) This variance shall commence upon initiation of bypassing of the tertiary lagoon and continue for a period of 45 days or until the lagoon is returned to service or until July 1, 1988, whichever

comes first.

- b) Petitioner shall notify Steve Baldwin of the Agency's Champaign Regional Office via telephone at 217/333-8361 when bypassing of the lagoon is begun and when it is returned to service. Written confirmations of each notification shall be sent within 5 days to the following addresses:

Illinois Environmental Protection  
Agency  
2125 South First Street  
Champaign, Illinois 61820  
Attn: Steve Baldwin

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

- c) The sludge contents of the lagoon shall be disposed of by the Petitioner in a manner acceptable to the Agency.
- d) 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 tertiary lagoon as expeditiously as possible so as to minimize the period of time that it is out of service.
- e) Within 10 days of the date of the PCB Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark Books at the Springfield address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten 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:

CERTIFICATE

I, (We), Village of Forrest, having read the Order of the Illinois Pollution Control Board, in PCB 88-63, dated April 7, 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 $\frac{1}{2}$  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 7<sup>th</sup> day of April, 1988, by a vote of 7-0.

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