

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1985

PETERSON PURITAN, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 85-163
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

This provisional variance request comes before the Board upon an October 23, 1985 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45-day provisional variance be granted to Peterson Puritan, Inc. (PPI) from 35 Ill. Adm. Code 304.141(a) to allow the Petitioner to bypass its wastewater treatment facility (WWTP) with flow in excess of 0.14 million gallons per day (MGD) from its polishing pond.

The Petitioner is a contract aerosol and liquid packaging company located in Danville, Illinois. PPI owns and operates a wastewater treatment plant which has a average flow of 0.14 MGD and consists of complete mix lagoons, an equalization basin, a sedimentation basin, a facultative lagoon, various intermittent sand filters, chlorination, post aeration, and coagulant and nutrient feed. PPI's wastewater treatment facility discharges its effluent into an unnamed ditch tributary to Grape Creek pursuant to NPDES Permit #IL0004162. (Rec. 1).

The Petitioner's NPDES Permit provides that the company's WWTP must meet effluent limitations of 10 milligrams per liter (mg/l) for biochemical oxygen demand (BOD) and 12 mg/l for total suspended solids (TSS) as 30 day averages. (Rec. 1).

During the past year, the Petitioner's discharge monitoring reports to the Agency pertaining to BOD and TSS in its effluent have indicated the following concentrations:

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>
August, 1985	0.18	7	9
July, 1985	0.14	8	9
June, 1985	0.08	9	7
May, 1985	0.07	9	12
April, 1985	0.08	10	18
March, 1985	0.08	13	14
February, 1985	-	-	-
January, 1985	0.14	10	17

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>
December, 1984	0.14	7	14
November, 1984	0.14	9	12
October, 1984	0.14	10	8
September, 1984	0.14	10	6
Average	<u>0.12</u>	<u>9.3</u>	<u>11.5</u>

(Rec. 2).

Because of this past summer's above average rainfall and PPI's very high production schedule, the rate of water accumulation in the Petitioner's lagoons has been faster than the 0.14 MGD permitted rate for effluent discharge. In order to lower the water levels in the lagoons before the onset of the colder winter weather to repair storage capability, PPI has requested a provisional variance to allow it to discharge effluent at a greater rate. (Rec. 2).

The total volume of water that the Petitioner plans to discharge is approximately 20,7000,000 gallons over a 45 day period which equates to 0.46 MGD (i.e., the current daily flow rate is 0.14 MGD and the requested additional flow is 0.32 MGD, so 0.14 MGD + 0.32 MGD = 0.46 MGD). PPI has stated that it will continue to use its tertiary filters and bypass the rest of the flow (i.e., about 0.32 MGD) around these tertiary filters. (Rec. 2). Subsequently, these two flows will be combined in a wetwell ahead of the chlorination and post aeration facilities and then will be discharged via the outfall permitted in the Petitioner's NPDES Permit.

The contents of Lagoon #5, which is the polishing lagoon, have a TSS concentration of 35 mg/l which is primarily due to the presence of various algae and a soluble BOD concentration of 35 mg/l. (Rec. 2). Prior to the discharge, PPI intends to shock the contents of the polishing lagoon only with chlorine if necessary to attempt to kill the algae. (Rec. 2).

The Petitioner has stated that it is not aware of any feasible alternative to its proposed plan for alleviating the present situation and the Agency has agreed that PPI's proposed plan is the "best method" to rectify matters. (Rec. 3). The company has contended that, if it is forced to cut back its current production, the result will be employee layoffs, a loss of revenues and important contracts, and financial repercussions which "will adversely affect the economy of this already depressed geographic region". (See: page 2 of the letter dated October 3, 1985 from Mr. McBride to the Agency). Moreover, if the surplus wastewater problem is not expeditiously alleviated, the Petitioner stresses that, even with production cutbacks, the final effluent might be out of compliance for about four winter months because of the decreased efficiency of the lagoons in the colder weather.

The Agency expects the environmental impact of the proposed plan to be minimal due to the continued utilization of the Petitioner's tertiary filters and the blending of the lagoon water and the tertiary filter effluent. The Agency also believes that "it is more desirable to alleviate the problem in a controlled manner than to risk the possibility of the lagoon overflowing its berms or having the berms washed out." (Rec. 3).

The Agency has therefore concluded that compliance with the applicable NPDES Permit standards would impose an arbitrary or unreasonable hardship upon Peterson Puritan, Inc. (Rec. 3). The Agency has stated that there are no federal regulations which would preclude the granting of the requested provisional variance and has indicated that there appear to be no potable water supplies immediately downstream of the Petitioner's discharge outfall. (Rec. 3). Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.141(a), subject to specified conditions.

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

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

ORDER

Peterson Puritan, Inc. is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141(a) to allow it to bypass its wastewater treatment facility with flow in excess of 0.14 million gallons per day from its polishing pond, subject to the following conditions:

1. This provisional variance shall commence upon initiation of routing of flow around the tertiary filters and shall continue for 45 days, or until the polishing lagoon is returned to the desired operating level, whichever occurs first. All work shall be done before the onset of winter.

2. The Petitioner shall notify Mr. John Applegate of the Agency's Champaign Regional Office via telephone at 217/333-8361 when routing of flow around the tertiary filters is begun and when this routing of flow ceases. Written confirmation of each notification shall be sent within 5 days to:

Illinois Environmental Protection Agency
2125 S. First Street
Champaign, Illinois 61820
Attention: Mr. John Applegate

3. During the time period of this provisional variance, the Petitioner shall put as much flow as possible (i.e., a minimum of 0.14 MGD) through its tertiary filters. The flow routed around

the tertiary filters shall be blended with the tertiary filter effluent prior to discharge.

4. All effluent discharged shall be discharged via the outfall permitted in NPDES Permit #IL0004162, and, during the provisional variance period, shall be limited to a maximum of 0.46 MGD.

5. The Petitioner shall monitor the effluent discharged on a daily basis for chlorine residual and for the parameters listed in NPDES Permit #IL0004162.

6. During the time period of this provisional variance, the effluent discharged by the Petitioner shall be limited to 30 mg/l BOD, 37 mg/l TSS as 30 day averages, and 0.75 mg/l chlorine residual as a daily maximum.

7. Within 30 days of the date of this Order, the Petitioner shall submit to the Agency a plan to prevent the reoccurrence of the present situation and schedule for implementing this plan. This plan and schedule shall be sent to Mr. John Applegate at the address given above in item #2.

8. During the time period of this provisional variance, the Petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable.

9. Within 10 days of the date of the Board's Order, the Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mr. James Frost of the Agency at the following address:

Mr. James Frost
Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Springfield, Illinois 62706

This certification shall have the following form:

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 85-163, dated October 24, 1985, 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, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of October, 1985 by vote of 7-0.

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