

ILLINOIS POLLUTION CONTROL BOARD
October 8, 1981

CITY OF BELVIDERE,)
)
) Petitioner,)
)
) v.) PCB 81-120
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

This matter comes before the Board on the July 22, 1981 petition of the City of Belvidere (City) for extension of the variance from Rule 404(c) of Chapter 3: Water Pollution granted in PCB 80-86 (July 24, 1980). On August 28, 1981 the Illinois Environmental Protection Agency (Agency) recommended that this request be granted. On September 23, 1981 the City moved that a Response to the Recommendation be accepted by the Board, which motion is granted. Hearing was waived and none has been held.

The City of Belvidere, located in Boone County, owns and operates a wastewater treatment facility serving approximately 15,000 residential and 275 commercial and industrial users. In PCB 80-86, the City was granted a two-step variance from the Board's 10 mg/l BOD₅ and 12 mg/l TSS limitations to allow it to proceed to upgrade its plant. Phase I limitations for both BOD₅ and TSS of 30 as a monthly average and 75 as a daily maximum were authorized until July 31, 1981 during installation of a belt filter press sludge dewatering system, and Phase 2 limitations of 20/25 monthly average and 50/65 daily maximum were authorized until August 1, 1983, at which time the balance of plant improvements were to be completed. Both improvement phases were to be financed through the federal construction grant program, the dewatering equipment having been authorized in 1979 by the USEPA for immediate emergency installation, with the City to be reimbursed if and when Step 2 and 3 funding is granted.

Phase I installation has been delayed. In August, 1980 the Army Corps of Engineers completed a required Biddability-Constructability Review of the project. It suggested to the City that to help guarantee ultimate reimbursement for the project, it should follow optional USEPA equipment "prequalification" procedures. As the equipment will cost about \$160,000, the City elected to do so, and has been involved in the prequalifying process since December, 1980. Bids were opened on August 3, 1981 and contracts will be awarded in the near future. The City anticipates that the dewatering equipment will have been installed by June 1, 1982 and seeks extension of variance for about a month thereafter.

The City has continued to pursue Step 2-3 funding for the balance of the plant improvements. A Step 2 design application was submitted to the Agency in December 1980, but no Agency response has been received. The City has presented no revised timetable for completion of all plant improvements, and does not seek extension of the PCB 80-86 variance's Phase 2 limitations. (The City's FY 1981 construction grant priority number was 673.)

The Agency's Recommendation notes excursions even from the variance's raised effluent limitations during the period of December, 1980 through March, 1981. Its studies of the dissolved oxygen levels in the Kishwaukee River in the years 1978 through 1981 lead it to conclude that Belvidere's discharges have not had a significant detrimental impact on the river, so that extension of the variance would be environmentally feasible.

One change of circumstances since PCB 80-86 not pointed out by the City causes the Agency concern. One of the City's two ailing vacuum filters, a key component of the present sludge handling system, has been taken out of service. While the City has been considering sludge handling options in the event of failure of the remaining vacuum filter, it has not as yet adopted a formal contingency plan.

The Board finds that denial of the requested variance would impose an arbitrary or unreasonable hardship. The delay in the awarding of the equipment contract was reasonable, given the City's understandable interest in doing everything possible to "guarantee" ultimate federal 75% reimbursement. Although the Agency did not so specify, variance will be conditioned on the adoption of a formal sludge-handling contingency plan, to prevent environmental harm to the Kishwaukee River in the event of vacuum filter failure.

Finally, in the interests of administrative convenience, the revisions necessitated by this variance in the PCB 80-86 variance are set forth below.

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

ORDER

Petitioner, the City of Belvidere, is hereby granted a variance from Rule 404(c) of Chapter 3: Water Pollution until July 31, 1983, subject to the following conditions:

1. Through July 31, 1982, the effluent from the City's wastewater treatment facility shall not exceed the following effluent levels: a monthly average for both BOD₅ and Total Suspended Solids (TSS) of 30 mg/l, and a daily maximum for both BOD₅ and TSS of 75 mg/l.

2. From August 1, 1982, through July 31, 1983, the effluent from the City's wastewater treatment facility shall not exceed the following effluent levels: a monthly average for BOD₅ of 20 mg/l and for TSS of 25 mg/l and a daily maximum for BOD₅ of 50 mg/l and for TSS of 63 mg/l.

3. As expeditiously as is practicable, the City shall, after consultation with the Agency, formally adopt a contingency plan for the handling of its sludge, to be put into effect in the event of non-operation of its vacuum filter.

4. The City shall continue diligent pursuit of grant funding for the upgrading of its facility.

5. The City shall operate and maintain its facility at all times in such manner as to produce effluent of the best quality practicable.

6. Within 45 days of the date of this Order, the City of Belvidere shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, an executed Certification of Acceptance and Agreement to be bound to all conditions of the variance. This forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We,) _____, having read the Order of the Illinois Pollution Control Board in PCB 81-120, dated _____, 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, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of October, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board