

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1985

TAYLORVILLE SANITARY )  
DISTRICT, )  
 )  
Petitioner, )  
 )  
v. ) PCB 85-205  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

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

This provisional variance request comes before the Board upon a December 18, 1985 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45-day provisional variance commencing from November 15, 1985 be granted to the Taylorville Sanitary District (TSD) from 35 Ill. Adm. Code 302.203, 302.209, 304.106, and 304.121 as it pertains to color (Rec. 1).

The Petitioner owns and operates wastewater treatment facilities (WWTP) which serve various domestic, commercial and industrial users located in Taylorville, Illinois. The Petitioner's WWTP includes activated sludge units, sludge digestion and drying facilities, tertiary filters, excess flow treatment facilities, and effluent disinfection. The Petitioner's Elm Street excess flow facilities are the subject of the present variance request. An excess flow storage pond has existed at the Elm Street location since 1970 and, in order to provide more effective control of its combined sewer overflow, the TSD has contracted for construction of a first flush storage tank and related facilities. Because the pond is being modified to make space available for the new storage tank, the existing pond and pumping station need to be taken out of service during construction. The Petitioner's discharge from its stormwater lagoon is to an unnamed tributary of Panther Creek into Panther Creek, and then into the South Fork of the Sangamon River. (Rec. 1). The TSD would like to be able to discharge its combined sewage overflow to the customary outlet authorized pursuant to its NPDES Permit No. IL0031356 during the time period that the existing pumping station and pond will be out of service.

As previously indicated, the TSD is currently authorized to discharge from the Elm Street excess flow facilities pursuant to its NPDES Permit which sets sampling and monitoring requirements for this discharge which is designated Outfall 003. When flows to the Petitioner's main treatment facilities exceed 6.125 million gallons per day and its lagoon contains 6.65 million gallons or more, the TSD is allowed to discharge from Outfall 003

pursuant to its NPDES Permit. During such discharges, the TSD is required to monitor for flow, five-day chemical oxygen demand (BOD), total suspended solids (TSS), fecal coliform, and 6 to 9 Standard Units pH. The Agency has stated that all flows stored in the lagoon are subsequently bled back to the main wastewater treatment plant for full treatment. (Rec. 1).

During the past year, the Petitioner's discharge monitoring reports to the Agency pertaining to Outfall 003 have indicated the following data:

<u>Month</u>	<u>Flow</u>
10/85	None
9/85	"
8/85	"
7/85	"
6/85	"
5/85	"
4/85	"
3/85	"
2/85	"
1/85	"
12/84	"
11/84	"

(Rec. 2).

The TSD has requested a provisional variance for the time period that improvements are being made to its excess flow treatment system. The specific relief requested is from the effluent and water quality color limitations, since the TSD has an industrial discharger on its system which discharges a high amount of color in its waste. Because the industrial discharger, the Georgia-Pacific Company, is a paper manufacturer, the color discharged ranges from one end of the spectrum to another. The Georgia-Pacific paper mill's schedule of color runs depends upon market conditions, in that there may be color runs once a month or once every two months depending upon demand. The Petitioner believes that, if the industrial discharger's color runs coincide with flow in excess of interceptor and plant capacity, there could be a discharge of color to Outfall 003. However, the Georgia-Pacific paper mill has been shut down for plant modifications during the time period from December 2, 1985 until December 20, 1985 which will significantly lessen the impact that this industrial discharger could have on the TSD's discharge if one should occur. (Rec. 2). Because chlorination of its discharge will not be possible during the time period that the existing pond and pumping station are out of service while construction work is proceeding, the Petitioner has also requested relief from the applicable fecal coliform effluent and water quality standards.

The Agency has stated that it "is unaware of any reasonably cost efficient alternatives to discharge under rainfall

events". (Rec. 2). Although the TSD did not provide any specific cost data on the possible alternative of dirt hauling, the Agency believes that the cost of such an alternative would clearly be prohibitive. (Rec. 2).

On October 21, 1985, the Petitioner's consulting engineers initially wrote to the Agency, on behalf of the TSD, to request the provisional variance. In a letter to the consulting engineers dated November 15, 1985, the Agency indicated that it would not provide the Board with the certification necessary to grant the requested relief until the Agency was supplied with additional information\*. In a letter dated December 11, 1985, the Petitioner's consulting engineers provided the Agency with the additional information requested, and the Agency subsequently filed its Recommendation on December 18, 1985.

The Agency believes that the environmental impact of the proposed provisional variance will be minimal. (Rec. 2). This Agency determination is based on the fact that the industrial discharger will be out of operation for the majority of the proposed variance period and that, during the last eleven days of the variance period (i.e., from December 20, 1985 until December 31, 1985), any precipitation which occurs is likely to be in the form of snow rather than rain, thereby lessening the possibility of discharge and the quantity of any discharged flows. (Rec. 2). Moreover, the closest downstream water supply that could be affected is the Alton Water Company on the Mississippi River which is over 200 stream miles downstream from the Petitioner. Although the Village of Kincaid operates a surface supply which is only about 10 miles downstream from the TSD, the impoundment used to supply Kincaid's water is a small tributary of the South Fork of the Sangamon River and make up water for the lake, if it is needed, comes from another tributary of the South Fork (i.e., Lake Sangchris). Therefore, the TSD discharge will not affect the Village of Kincaid's surface supply. (Rec. 2).

The Agency has concluded that compliance with the provisions of 35 Ill. Adm. Code 302.203, 302.209, 304.106, and 304.121 as it pertains to color would impose an arbitrary or unreasonable hardship upon the Taylorville Sanitary District. (Rec. 1-3). The Agency has indicated that it would be impossible for the Petitioner to treat surplus flows while its treatment facilities are out of service. Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 302.203, 302.209, 304.106, and 304.121 as it pertains to effluent and water quality color limitations, subject to specified conditions. The Agency has

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\*The Petitioner also applied for a provisional variance on May 3, 1984 for other purposes, but this petition was also not certified to the Board by the Agency and is therefore not germane to the instant case.

ascertained that there are no federal regulations that would preclude the granting of the requested relief.

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

The Taylorville Sanitary District is hereby granted a provisional variance from 35 Ill. Adm. Code 302.203, 302.209, 304.106, and 304.121 as it pertains to effluent and water quality color limitations, subject to the following conditions:

1. The variance shall commence on November 15, 1985 and shall terminate on December 31, 1985, or upon completion of modification to the excess flow treatment facilities scheduled to be completed prior to winter shutdown, whichever occurs first.

2. The Petitioner shall complete the improvements as expeditiously as possible.

3. The Petitioner shall attempt to convey as much flow as possible to its main treatment plant prior to discharging any flows at Outfall 003.

4. The Petitioner shall monitor any flows discharged at Outfall 003 during the term of the provisional variance in accordance with the monitoring conditions contained in its NPDES Permit No. IL0031356.

5. 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:

CERTIFICATION

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 85-205, dated December 20, 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 20th day of December, 1985 by a vote of 7-0.

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