

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1986

CITY OF CHARLESTON,)
)
 Petitioner,)
)
 v.) PCB 86-40
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance extension request comes before the Board upon a March 14, 1986 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 21-day provisional variance extension be granted to the City of Charleston (City) from 35 Ill. Adm. Code 304.121 (bacteria) while installation of a new chlorinator and related equipment is completed. (Rec. 1). The Board previously granted the Petitioner a 45-day provisional variance in PCB 85-207. (See: Opinion and Order of December 20, 1985 in City of Charleston v. IEPA, PCB 85-207).

In reference to the rationale for the requested relief, the Superintendent of the City's wastewater treatment facilities, Mr. Gary Brinkmeyer, indicated in a letter to the Agency dated March 3, 1986 that:

"...the City of Charleston WWTP was granted a provisional variance by the I.P.C.B. from meeting the Fecal Coliform standard for a period of 45 days. The stated purpose for this was the installation of a new flow proportioning chlorination system. Work began on the removal of the old system and installation of the new on January 21, 1986, with the variance due to expire on March 7, 1986.

To date, the old system has been removed, with the new chlorinator being totally installed, including electrical work. However, a situation with a backorder of plastic piping fittings for the new pump is jeopardizing the startup...to assure completion of the chlorinator installation and startup.... The

variance extension would move the time of final project completion to Friday, March 28, 1986...as I cannot know at this time when the aforementioned backordered parts will arrive..."

The Petitioner owns and operates wastewater treatment facilities (WWTP) which serve a population of about 19,400 including the residences and commercial establishments in the City of Charleston. The City's WWTP includes activated sludge units, sludge digestion and drying, clarifiers, and an excess flow lagoon which also allows for effluent chlorination. The WWTP, which has a design average flow of 4.0 million gallons per day, discharges its effluents into Cassell Creek which then empties into Riley Creek, then into Kickapoo Creek, and finally empties about 4 to 6 straight line miles downstream into the Embarras River.

The Petitioner's effluent is currently limited by NPDES Permit #IL0021644. The permit allows a fecal coliform daily maximum of 400/100 milliliters (ml). A summary of fecal coliform levels in the Petitioner's discharge as reported on its discharge monitoring reports is as follows:

Month	Maximum (#/100 ml)	# of Violations During Month
1/86	560	1
12/85	TNTC	8
11/85	3600	7
10/85	6200	9
9/85	920	3
8/85	670	2
7/85	230	0
6/85	TNTC	5
5/85	TNTC	2
4/85	TNTC	3
3/85	TNTC	2
2/85	530	1
1/85	TNTC	2
12/84	TNTC	2
11/84	370	0

TNTC = Too Numerous To Count

(Rec. 1)

The City presently has a pressure-operated chlorinator which was installed in 1970. The controls on this old chlorinator are broken and, as a consequence, appropriate levels of chlorine cannot always be applied. This results in effluent noncompliance and periodic fecal coliform violations. (Rec. 2). Therefore,

the City has purchased a new, safer, vacuum-operated, flow-proportioning chlorinator. Accordingly, the Petitioner requested a provisional variance in PCB 85-207 to install the newly purchased chlorination system following the removal of the old, pressure-operated chlorination system. The City indicated in PCB 85-207 that the old chlorination system and pump needed to be removed from the chlorine building before the installation of the new system and that the requisite piping, electrical, and instrumentation needed to be installed.

As previously indicated, the City has now already completed the installation of the new chlorinator and finished the requisite electrical work. However, due to a backorder of plastic pipe fittings for the new pump, the City is unable to startup the new chlorinator by March 7, 1986 as originally anticipated in its provisional variance request in PCB 85-207. (Rec. 2).

The Agency believes that the environmental impact of the proposed provisional variance will be minimal and indicates that past noncomplying discharges have not seemed to have a detrimental effect upon the receiving stream. (Rec. 2). Moreover, the Agency believes that there will be no adverse impact on any downstream water supplies. The closest downstream public water supply is approximately 40 to 45 miles downstream from the Petitioner's discharge at the City of Newton. Additionally, the Agency is not aware of any federal regulations which would preclude the granting of the requested relief. (Rec. 2).

The Agency has concluded that compliance with the provisions of 35 Ill. Adm. Code 304.121 would impose an arbitrary or unreasonable hardship upon the City of Charleston. The Agency notes that it is physically impossible for the City to replace the chlorinator and simultaneously maintain chlorination of its effluent during the changeover. Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.121, subject to specified conditions.

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

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

ORDER

The City of Charleston is hereby granted an extension of its provisional variance from 35 Ill. Adm. Code 304.121 for a period of 21 days, subject to the following conditions:

1. This provisional variance extension shall commence on March 8, 1986, and shall terminate when the chlorinator and its appurtenances are returned to service, or within 21 days, whichever occurs first.

2. The Petitioner shall notify the Agency's Champaign Regional Office by telephone within 24 hours of the above actions. These notifications shall be followed by written notice to be sent to the Agency within 5 days at the address shown below.

3. The Petitioner shall complete the installations as expeditiously as possible.

4. 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 86-40, dated March 14, 1986, 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.

Chairman Dumelle concurs.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 14th day of March, 1986 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board