

ILLINOIS POLLUTION CONTROL BOARD  
September 3, 1981

CITY OF FAIRFIELD, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 81-108  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

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

On June 24, 1981 the City of Fairfield (City) filed a petition for variance from Rules 402, 403, 404(f), 408(a), 408(c)(ii)(B) and 410 of Chapter 3: Water Pollution, in order to allow the City to make necessary repairs to its wastewater treatment plant (WTP). On August 17, 1981 the Illinois Environmental Protection Agency (Agency) filed a recommendation to grant variance from Rule 602 of Chapter 3, subject to certain conditions. Hearing was waived, and none was held.

The City owns and operates a WTP consisting of a bar screen and grit chamber which allows wastewater to flow into a dual (east and west) system consisting of 2 primary clarifiers 2 trickling filters, two final clarifiers and primary and secondary anaerobic digestors. The WTP is designed to receive an average flow of 0.6 MGD which is discharged to Johnson Creek upstream of Pond Creek and the Little Wabash River.

The City is requesting relief to allow necessary repairs to the east treatment segment of the plant. Leaks in the center seal of the east trickling filter prevent the distribution arm from operating except at high flow, the trickling dosing chamber needs structural repair, and the final clarifier has no scrapers and is in use without sludge withdrawal capabilities. These structural difficulties have caused septic conditions in the east treatment segment which have adversely affected the final effluent quality of the WTP. The west treatment segment is in satisfactory condition.

The City requests relief for 21 days in order to effect repairs to the east treatment segment. During that period, all flows will be directed to the west segment which can handle 0.491 MGD. Any flows above that amount will be bypassed. From April, 1980 to March, 1981 average flow to the plant varied from 0.26 to 0.753 MGD, and only 2 of the 12 months averaged

greater than 0.491 MGD. On the other hand, only one of those months had a maximum flow under that level. Thus, some bypassing is to be expected.

On December 5, 1980, an Agency inspection of Johnson Creek below the WTP outfall reported a dark gray water color indicating suspended solids, which was also reflected in the vegetation along the banks. Agency and Illinois Natural History biological surveys done in 1975 and 1977, respectively, showed the stream to be polluted in that area. The high pollutant levels is certainly partially a result of the defects in equipment noted above. The repairs should help remedy the problem and may well result in an overall benefit to the stream even if some bypassing occurs during the period of variance. Therefore, the Board finds that there will be little or no adverse environmental impact resulting from a grant of variance.

While the Board is troubled by the lack of discussion by either the City or the Agency regarding alternatives to bypassing, such as lagooning and later treatment, it appears that if variance were to be denied, making the necessary repairs might subject the City to an enforcement action.

These repairs will not, however, solve the entire problem. That cannot be accomplished short of upgrading and expanding the WTP. On March 9, 1981 the City submitted a facilities plan to the Agency, which is currently being reviewed. If the City continues to actively pursue federal grant funding, construction could be completed by January, 1984.

While the Board will grant variance, the Board finds that the relief requested by the City is overbroad. If it were granted, the City would need not comply with any water quality standards during the term of the variance, even when bypassing is not occurring. The Board declines to do so. The Board also declines to follow the Agency's recommendation to grant variance from Rule 602(b). That rule prohibits overflows from sanitary sewers. Here, the City will be bypassing from the plant, not overflowing the sewers. Therefore, the Board will grant variance from Rule 602(c) as it relates to sewage treatment plant bypasses so as to allow the City to bypass flows over 0.491 MGD without being subject to enforcement for water quality standard violations caused by such bypasses.

Finally, the City requested variance for 21 days and the Agency recommends that that period commence within one month of the date of this Order. To insure that repairs can be completed without returning to the Board for an extension, the Board will grant variance for a period of 30 days or until repairs are completed, whichever occurs earlier. This period is to commence within 60 days of the date of this Order.

The Board expects, however, that repairs will be commenced at the earliest practical date, dependent upon weather conditions, and that the repairs will be completed as expeditiously as possible.

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

Order

It is hereby ordered that the City of Fairfield be granted a variance from Rule 602(c) of Chapter 3: Water Pollution, as it relates to sewage treatment plant bypasses for a period of 30 days or until completion of repairs, whichever occurs first. This variance period is to commence within 60 days of the date of this Order, subject to the following conditions:

a. During the 30 day period, the City shall patch the trickling filter and the dosing chamber's concrete walls, repair the trickling filter's central column seal, and repair the final clarifier's sludge collection removal equipment;

b. The City shall provide the Agency with notice, seven (7) days prior to the date that the east treatment segment is to be taken out of service and afterward with the date that the east treatment segment is returned to service. Notification shall be sent to :

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

c. The City shall continue to expeditiously pursue all pre-grant and post-grant steps in the construction grants program. In the interim its existing plant shall be operated and maintained in the best practicable manner; and

d. Within twenty-one days of the date of this Order, the City shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 81-108 dated \_\_\_\_\_, understand and accept the 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 3<sup>rd</sup> day of September, 1981 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board