

ILLINOIS POLLUTION CONTROL BOARD
July 11, 1986

VILLAGE OF LENA,)
)
 Petitioner,)
)
 v.) PCB 86-101
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon a July 11, 1986 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45-day provisional variance be granted to the Village of Lena (Lena) from 35 Ill. Adm. Code 304.124 as it pertains to biochemical oxygen demand (BOD) and total suspended solids (TSS) to allow adequate time for the completion of repairs to the trickling filter at the Petitioner's wastewater treatment plant. (Rec. 1-3). The Village of Lena was previously granted a provisional variance in PCB 85-117 on August 15, 1985 to allow the draining of its polishing pond to facilitate the removal of sludge from the lagoon. (See: Opinion and Order of August 15, 1985 in PCB 85-117, Village of Lena v. IEPA).

The Village of Lena owns and operates a wastewater treatment facility (WWTP) which has a design average flow of 0.20 million gallons per day (MGD) and consists of a trickling filter, two primary clarifiers, a final clarifier, a polishing lagoon, and effluent chlorination. The Petitioner's WWTP discharges its effluent to an unnamed tributary of Yellow Creek which is tributary to the Pecatonica River pursuant to its NPDES Permit #IL0024945. (Rec 1-2).

The Petitioner's NPDES Permit provides that the Village's wastewater treatment facilities must meet interim effluent limits of 45 milligrams per liter (mg/l) as monthly averages for both biochemical oxygen demand and total suspended solids until June 30, 1988. The Agency has indicated that the Petitioner has completed an acceptable Municipal Compliance Plan and is scheduled to meet the requisite final effluent limits of 10 mg/l for BOD and 12 mg/l for TSS on July 1, 1988. (Rec. 2).

Recent inspections of Lena's WWTP by the Agency have disclosed that the sludge collector mechanisms in the

Petitioner's primary clarifiers and the trickling filter center column were badly in need of repair. (Rec. 1). On April 21, 1986, contractors hired by the village began to repair the sludge collectors in the primary clarifiers. However, expeditious completion of these needed repairs was inadvertently delayed because of problems involving the shipping and fabrication of the requisite replacement parts. (Rec. 2). Subsequently, on May 27, 1986, the trickling filter distributor failed unexpectedly, thereby causing the Petitioner's wastewater treatment facility to exceed the effluent standards set forth in its NPDES Permit. At the present time, the WWTP's flows are being treated in one primary clarifier, a final clarifier, and the polishing lagoon.

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> |
|-----------------|-------------------|-------------------|-------------------|
| April, 1986 | 0.322 | 22.1 | 23.2 |
| March, 1986 | 0.594 | 17.7 | 15.8 |
| February, 1986 | 0.320 | 32.4 | 15.8 |
| January, 1986 | 0.200 | 25.6 | 16.2 |
| December, 1985 | 0.348 | 13.4 | 10.6 |
| November, 1985 | 0.600 | 17.1 | 14.4 |
| October, 1985 | 0.317 | 34.5 | 37.5 |
| September, 1985 | 0.200 | 50 | 46.6 |
| August, 1985 | 0.200 | 42 | 39.6 |
| July, 1985 | 0.192 | 40.8 | 31.8 |
| June, 1985 | 0.200 | 47.2 | 32.8 |
| May, 1985 | <u>0.250</u> | <u>26</u> | <u>16</u> |
| Average | 0.312 | 30.7 | 25.0 |

(Rec. 2)

Additionally, the Petitioner has reported to the Agency that the concentration of BOD in its effluent was 52 mg/l on June 4, 1986 and was 62.5 mg/l on June 6, 1986.

In reference to the relief requested by the Petitioner, the Agency has stated that it "is not aware of any alternatives to bring the plant into compliance other than getting the trickling filter repaired". (Rec. 3). Moreover, the Agency believes that any adverse environmental impact will be minimized by the treatment provided by the Village of Lena. The Agency expects that, although the receiving stream is a zero low flow stream, the recent rains in the area should help guarantee that there will be no long-term adverse environmental impact. (Rec. 3).

The Village of Lena contends that denial of its requested provisional variance would create an arbitrary or unreasonable hardship and the Agency is in agreement with the Petitioner's contention. On page three of its Recommendation, the Agency states the situation as follows:

"...The Agency believes that an arbitrary and unreasonable hardship exists in that the center column on the trickling filter has already failed. While some blame must be placed on Petitioner for not having fixed the column sooner even though warned about its condition by the Agency...the fact remains that it has failed and Petitioner does have an emergency with which to cope."

For the previously mentioned reasons, the Agency agrees with the Petitioner's assessment of hardship and has therefore concluded that immediate compliance with the requisite NPDES Permit standards pertaining to BOD and TSS levels would impose an arbitrary or unreasonable hardship upon the Village of Lena. (Rec. 1-3). The Agency has indicated that there are no federal laws, rules or regulations which would preclude the granting of the requested provisional variance. (Rec. 3). Accordingly, the Agency has recommended that the Board grant the Petitioner a provisional variance from 35 Ill. Adm. Code 304.124 as it pertains to BOD and TSS, subject to various 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

The Petitioner, the Village of Lena, is hereby granted a provisional variance from 35 Ill. Adm. Code 304.124 as it pertains to biochemical oxygen demand (BOD) and total suspended solids (TSS) to allow adequate time for the completion of repairs to the trickling filter at its wastewater treatment plant, subject to the following conditions:

1. This provisional variance shall commence on May 27, 1986 and shall expire on July 11, 1986, or upon completion of repairs to the trickling filter, whichever occurs first.
2. During the term of this provisional variance, the effluent from the Petitioner's wastewater treatment plant shall meet a standard of 75 mg/l for both BOD and TSS as a monthly average.

3. The Petitioner shall continue to monitor its effluent as specified in its NPDES Permit No. IL0024945.
4. The Petitioner shall complete repairs to the trickling filter as expeditiously as possible.
5. The Petitioner shall operate its remaining treatment units as efficiently as possible so as to produce the best effluent possible.
6. 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 86-101 dated July 11, 1986, understand and accept 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 11th day of July, 1986 by a vote of 6-0.

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