

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1989

Bensenville, Village of,)
(DuPage County),)
)
Petitioner,)
)
v.) PCB 89-74
)
Illinois Environmental)
Protection Agency,)
)
Respondent.)

Opinion and Order of the Board (by J. Marlin):

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on April 25, 1989, recommending that the Board grant a 45-day provisional variance to the Village of Bensenville. Bensenville requests this variance from 35 Ill. Adm. Code 304.141 to allow time to do necessary repairs on its travelling bridge.

Bensenville owns and operates a two stage activated sludge treatment facility with a 4.7 mgd DAF. Effluent is discharged to Addison Creek which discharges into the Des Plaines River which is tributary to the Illinois River. Bensenville presently is required by NPDES permit #IL0021849 to meet the following Ammonia Nitrogen effluent limits:

April through October	1.5 mg/l daily maximum
November through March	4.0 mg/l monthly average

Bensenville has stated that the travelling bridge has experienced alignment problems due to worn-out rail and anchors. Bensenville has also stated that when the north travel bridge experiences difficulty with alignment, the bridge will shut down and, therefore, prevent solids from returning back to the aeration tanks. Bensenville has stated that "to complete necessary repairs, it is necessary to shut the bridge down". (Variance Request at 2). The Agency states that it agrees with this statement.

Bensenville has indicated to the Agency that it should take 36 days to complete the necessary repairs. The Agency responds that the variance should be for 45 days or until the repair work is completed, whichever occurs first, just in case Bensenville runs into any unforeseen problems.

The Agency states that the environmental impact of this variance will be minimal due to the short duration of the

variance and the remaining treatment provided. Bensenville (Larry Grage, Wastewater Facility Supervisor) has indicated to the Agency by phone on April 20, 1989, that they will be able to meet their other NPDES permit limits while the bridge is being repaired. The Agency's position is that denial of this provisional variance petition would create an arbitrary and unreasonable hardship upon Bensenville as failure to immediately correct this problem will result in additional damage to Bensenville's treatment facility.

The Agency states that there are no federal regulations which would preclude the granting of this variance and that it is not aware of any public water supplies which would be adversely affected by granting this provisional variance.

The Board having received notification from the Agency that compliance on a short term basis with the effluent limitations imposed by 35 Ill. Adm. Code 304.141 would impose an arbitrary or unreasonable hardship upon Bensenville, and the Board concurring in that notification, will grant Bensenville's provisional variance, subject to the conditions suggested by the Agency.

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

ORDER

1. The Village of Bensenville is hereby granted provisional variance from 35 Ill. Adm. Code 304.141, subject to the following conditions:
 - a. Variance shall commence when the travelling bridge is taken out of operation and continue for a period of 45 days or until the repair work is completed, whichever occurs first.
 - b. Bensenville shall notify Allen Anderson of the Agency's Maywood Regional Office via telephone at 312/345-9780 when the travelling bridge is taken out of operation and when the repair work is completed. Written confirmation of each notification shall be sent within 5 days to the address below:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
P. O. Box 19276
Springfield, Illinois 62794-9276
Attention: . Dan Ray
 - c. Bensenville's effluent during this variance shall be limited to 4.0 mg/l (monthly average) for ammonia nitrogen.
 - d. Bensenville shall monitor the effluent from its treatment plant for the parameters as listed in NPDES permit #IL0021849.

e. During this provisional variance, Bensenville shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Bensenville shall perform the necessary replacement work at the plant as expeditiously as possible so as to minimize the period of time that the travelling bridge is out of service.

2. Within 10 days of the date of this Order, Bensenville shall execute and submit a certificate of Acceptance and Agreement which shall be sent to Dan Ray at the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within forty-five day period. The forty-five day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), Village of Bensenville, having read the Order of the Illinois Pollution Control Board, in PCB 89-74 dated April 27, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

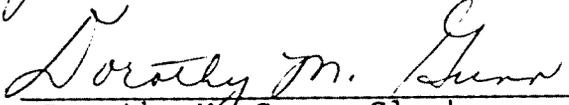
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111 1/2 par. 1041, provides for appeal of Final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 27th day of April, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board