

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1985

CITY OF CHARLESTON,)	
)	
Petitioner,)	
)	
v.)	PCB 85-207
)	
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 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. 1-2).

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
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

Month (#/100 ml)	Maximum	# of Violations During Month
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 has requested a provisional variance to install the newly purchased chlorination system following the removal of the old, pressure-operated chlorination system. The City has indicated that the old chlorination system and pump have to be removed from the chlorine building before the installation of the new system and that the requisite piping, electrical, and instrumentation needs to be installed.

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. Furthermore, the new equipment was ordered several months ago, is presently available for installation, and, once installed, will help prevent effluent noncompliance. (Rec. 2). 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 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 a provisional variance from 35 Ill. Adm. Code 304.121 for a period of 45 days, subject to the following conditions:

1. This provisional variance shall commence when the chlorinator is removed from service and shall terminate when the chlorinator and its appurtenances are returned to service, or within 45 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 85-207, 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