

ILLINOIS POLLUTION CONTROL BOARD  
October 10, 1985

CITY OF ALBION, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-152  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This provisional variance request comes before the Board upon an October 9, 1985 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 43-day provisional variance be granted to the City of Albion (Albion) from 35 Ill. Adm. Code 304.141(a) to allow the Petitioner to bypass the trickling filter in its wastewater treatment facility (WWTP) during the time period that repairs to the filter are in progress. (Rec. 2).

The City of Albion, which has a population of about 1,800, is the county seat of Edwards County, Illinois. The Petitioner owns and operates a wastewater treatment plant which has a design average flow of 0.20 million gallons per day (MGD) and consists of an influent wet well, bar screen, trickling filter, Imhoff tank, two stage lagoon, final clarifier, polishing pond, and chlorination. Albion's WWTP discharges its effluent to Butter Creek which is tributary to the Little Wabash River pursuant to its NPDES Permit #IL0027405. (Rec. 1-3).

The Petitioner's NPDES Permit provides that the city's wastewater treatment facilities must meet effluent limitations of 10 milligrams per liter (mg/l) for biochemical oxygen demand (BOD) and 12 mg/l for total suspended solids (TSS) as 30 day averages. (Rec. 1).

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>
July, 1985	0.2	9.7	11.1
June, 1985	0.2	9.9	11.3
May, 1985	0.2	9.5	10.9
April, 1985	0.2	8.5	6.0
March, 1985	0.2	8.1	5.8
February, 1985	0.2	8.4	5.9
January, 1985	0.2	8.9	6.1
December, 1984	0.2	8.9	6.9
November, 1984	0.2	8.7	6.7
October, 1984	0.2	8.2	7.1
September, 1984	0.2	8.1	7.8
August, 1984	0.2	8.0	7.2
Average	0.2	8.7	7.7

(Rec. 2).

The Agency has indicated that Albion's NPDES Permit "is presently out to 30 day public notice for modification" and the proposed modified permit "contains effluent limitations of 30 mg/l and 37 mg/l as 30 day averages for BOD and TSS, respectively." (Rec. 2).

In order to "regain" the operating efficiency of the deteriorating trickling filter, the City of Albion intends to replace the present trickling filter media with new plastic media. However, the Petitioner has stated that it will not remove the trickling filter from service until the requisite new plastic materials are on site. While the actual repair work is being done, the Petitioner plans to route the Imhoff tank effluent directly to its two lagoons. (Rec. 2).

Although the trickling filter is not currently operating in a totally efficient manner, the City of Albion has still been able to meet its present NPDES effluent limits. (Rec. 1-2). After the necessary repair work is completed, the Petitioner anticipates that the treatment efficiency of its trickling filter should substantially improve.

The City of Albion has contended that the temporary bypassing of its trickling filter will have a minimal environmental impact because of the short time that it will be out of service and the current effluent concentrations. (Rec. 2). The Agency has determined that there is no practical alternative to removing the trickling filter from service to perform the necessary repair work and has concluded that the environmental impact will be minimal. (Rec. 2-3). Additionally, the Agency agrees with the Petitioner that the trickling filter is in need of rehabilitation and that it is necessary to complete the requisite repairs before the onset of the colder winter weather. (Rec. 3).

The Agency has therefore concluded that compliance with the applicable NPDES Permit standards would impose an arbitrary or unreasonable hardship upon the City of Albion. (Rec. 3). The Agency has stated that there are no federal 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 304.141(a), 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 Albion is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141(a) to allow repairs to be made to the trickling filter in its wastewater treatment plant, subject to the following conditions:

1. This provisional variance shall commence when the trickling filter is removed from service and continue for 43 days, or until the trickling filter is returned to service, whichever occurs first.

2. The Petitioner shall notify Mr. Ron Rogers of the Agency's Marion Regional Office via telephone at 618/997-4371 when the trickling filter is removed from service and when it is returned to service. Written confirmation of each notification shall be sent within 5 days to:

Illinois Environmental Protection Agency  
2209 West Main Street  
Marion, Illinois 62959  
Attention: Mr. Ron Rogers

3. The Petitioner shall monitor its effluent for the parameters as listed in NPDES Permit #IL0027405 at a frequency of once per week during this provisional variance. The results of each sample shall be recorded separately and submitted to the Agency along with the monthly discharge monitoring report.

4. During this provisional variance, the Petitioner's effluent shall be limited to 30/37 mg/l for BOD and TSS, respectively, as monthly averages.

5. The Petitioner shall operate and maintain its wastewater treatment facility so as to produce the best effluent practicable.

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 85-152, dated October 10, 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 10th day of October, 1985 by vote of 7-0.

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