

ILLINOIS POLLUTION CONTROL BOARD
August 15, 1985

VILLAGE OF LENA,)
)
 Petitioner,)
)
 v.) PCB 85-117
)
 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 August 13, 1985 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 304.141(a) to allow the draining of its wastewater treatment plant's lagoon to facilitate removal of sludge from the lagoon. (Rec 1).

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).

The Petitioner's NPDES Permit provides that the city's wastewater treatment facilities must meet interim effluent limits of 45 milligrams per liter (mg/l) as monthly averages for both biochemical oxygen demand (BOD) and total suspended solids (TSS). (Rec 2).

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>
June, 1985	0.20	47.2	32.8
May, 1985	0.23	20.2	17.4
April, 1985	0.25	26	16
March, 1985	0.60	20.5	18.2
February, 1985	0.25	28.5	18
January, 1985	0.25	26.8	27.2
December, 1984	0.24	19.6	20.8

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>
November, 1984	0.26	36.8	30
October, 1984	0.20	30	25.5
September, 1984	0.22	24	18
August, 1984	0.20	24	18
July, 1984	0.20	18	12
Average	0.26	26.8	21.8

(Rec. 2)

In order to clean the accumulated sludge out of the polishing lagoon, Lena plans to first drain the lagoon and then blend the water with the secondary effluent at the chlorination facilities before discharging the water after chlorination. (Rec. 2). The Petitioner intends to store the sludge removed from the lagoon on sludge drying beds "until a permit for land applying it is received". (Rec. 2).

Lena has stated that the BOD and TSS of the secondary effluent are respectively about 38 mg/l and 32 mg/l. The BOD and TSS of the water in the polishing lagoon are approximately 43 mg/l and 39 mg/l, respectively. (Rec. 2).

The Agency has ascertained that "there is no better alternative to draining the polishing lagoon to remove the sludge" and expects the environmental impact to be minimal given the short duration of the expected discharge and the data on BOD and TSS. (Rec. 2-3). It is expected that the total volume of water involved in draining the Petitioner's polishing lagoon will be approximately 600,000 to 650,000 gallons which will be discharged over a period of several days. (Rec. 3).

The Village of Lena contends that denial of its requested provisional variance would create an arbitrary or unreasonable hardship "because the work can be done during the dry part of the summer when influent flows are lower", thereby resulting in higher treatment efficiency through the secondary process which will increase the quality of the combined effluent. (Rec. 3). Moreover, work during this summer period will expedite the prompt removal of the accumulated sludge from Lena's polishing lagoon and allow it to be returned to service sooner. (Rec. 3).

The Agency agrees with the Petitioner's assessment of hardship and has therefore concluded that compliance with the requisite NPDES Permit standards would impose an arbitrary or unreasonable hardship upon the Village of Lena. (Rec. 3). The Agency has noted that there are no federal regulations which would preclude the granting of the requested provisional variance and indicates that there are no public water supplies which will be affected by such a 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 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 Village of Lena is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141(a) to allow the draining of its wastewater treatment plant's polishing lagoon to facilitate sludge removal, subject to the following conditions:

1. This provisional variance shall commence on August 15, 1985 and shall continue until September 30, 1985, or until the polishing lagoon is returned to service, whichever occurs first.
2. During the period of this provisional variance, effluent shall be limited to 55 mg/l for both BOD and TSS.
3. The Petitioner shall sample the effluent and perform laboratory analyses as required in its NPDES Permit #IL0024945. The results of each sample collected shall be submitted to the Agency along with the Petitioner's discharge monitoring report.
4. The Petitioner shall notify Helen Lai of the Agency's Rockford Regional Office via telephone at 815/987-7755 when draining of the polishing lagoon is begun, when sludge removal is begun, and when the polishing lagoon is returned to service. Each telephone notification shall be confirmed in writing within 5 days. Such written notification shall be submitted to:

Illinois Environmental Protection Agency
4302 N. Main Street
Rockford, Illinois 61103
Attention: Helen Lai

5. The Petitioner shall operate and maintain the 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 85-117 dated August 15, 1985, 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 15th day of August, 1985 by a vote of 7-0.

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