

ILLINOIS POLLUTION CONTROL BOARD  
April 18, 1985

CITY OF O'FALLON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-48  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This provisional variance request comes before the Board upon an April 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 O'Fallon (City) from 35 Ill. Adm. Code 304.141(a) to allow removal from service for repair and maintenance of one of its wastewater treatment facility's two package contact stabilization units, and to allow the Petitioner to exceed its interim NPDES Permit effluent limitations during the period that the unit is out of service. The Petitioner was previously granted a provisional variance in PCB 84-148 (see: City of O'Fallon v. IEPA, PCB 84-148, Opinion and Order of September 20, 1984).

The City of O'Fallon owns and operates a wastewater treatment facility which includes two 1.5 million gallon per day (MGD) package contact stabilization units followed by a lagoon system. Effluent from this facility is discharged to Silver Creek pursuant to NPDES Permit No. IL0021636. (Rec. 1).

During September of 1984, the Petitioner awarded a contract for painting one of its stabilization units and subsequently finished repair and maintenance work which included the draining and cleaning of the tank and the installation of new diffusers and air drop pipes. However, weather conditions were not suitable for the requisite painting work at that time. To clean the tank in preparation for the necessary painting, the Petitioner wishes to remove the stabilization unit from operation on May 1, 1985 and anticipates that the painting contractor will complete the appropriate work by June 15, 1985. (See: letter from City Engineer David J. Davis to Agency dated April 5, 1985.)

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\*On April 18, 1985, the Agency filed an Amendment to the Agency Recommendation which added the Agency's finding of arbitrary or unreasonable hardship.

The Petitioner's NPDES Permit provides that the City's wastewater treatment facilities must meet effluent limitations of 30 mg/l for both BOD and suspended solids. The following table summarizes the relevant information obtained from the Petitioner's discharge monitoring reports to the Agency pertaining to BOD and suspended solids levels during the past year:

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>SS (mg/l)</u>
March, 1984	2.8	53	154
April	2.7	81	37
May	1.3	47	30
June	1.3	26	36
July	0.4	32	57
August	1.4	13	29
September	1.1	15	45
October	1.1	13	33
November	2.0	14	21
December	2.0	14	21
January, 1985	1.6	11	18
<u>February</u>	<u>2.6</u>	<u>6</u>	<u>9</u>
Average	1.7	27	41

(See: Rec. 2)

Although the City of O'Fallon did not request specific effluent limitations for the time period of its requested provisional variance, the Agency has recommended that effluent limits of 40 mg/l BOD and 65 mg/l suspended solids are reasonable and appropriate based on the previously delineated data derived from the Petitioner's discharge monitoring reports. (Rec. 2).

The Petitioner has indicated to the Agency that it wishes to start draining the package contact stabilization unit to be worked on in the very near future (i.e., on May 1, 1985). The City intends to complete the necessary repair and maintenance work on the stabilization unit and return it to service by June 15, 1985. (Rec. 2). The Petitioner anticipates that this repair and maintenance work will include cleaning, sand blasting, and painting the tank. (Rec. 2).

According to Agency field personnel, the line from the Petitioner's activated sludge units to the lagoon cannot handle the flow during periods of high influent flows, thereby causing the flow to backup and flow over the tops of the activated sludge units. (Rec. 2). Although the Petitioner did not address this potential problem in its provisional variance request, the Agency has recommended that this line from the activated sludge units to the lagoon be inspected and, if necessary, rodded out to avoid environmental problems. (Rec. 2). The Board agrees with the Agency's assessment of this situation, and will mandate that this corrective action be taken.

The Agency has agreed with the Petitioner that the maintenance of the contact stabilization unit is necessary and believes that there is no practical alternative to taking the unit out of service to perform the requisite repairs and maintenance. (Rec. 3). Moreover, the Agency has concluded that the environmental impact on Silver Creek caused by one stabilization unit being out of service will be minimal, since the other lagoons will remain available during the time period that one of the units is being repaired. (Rec. 3).

The Petitioner has asserted that an unreasonable hardship (due to the ultimate cost of a new treatment unit to replace the present one) would result if the necessary repair and maintenance work to the contact stabilization unit is not performed. The Agency agrees with the Petitioner's contention in regard to such hardship and notes that "failure to maintain the contact stabilization unit would accelerate deterioration of this unit". (See: April 18, 1985 Amendment to the Agency Recommendation).

Accordingly, the Agency has concluded that compliance on a short-term basis with the provisions of 35 Ill. Adm. Code 304.141(a) would impose an arbitrary or unreasonable hardship upon the Petitioner. Therefore, the Agency recommends that the Board grant the City of O'Fallon a provisional variance from Section 304.141(a) for a period of 45 days, subject to certain 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 O'Fallon is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141(a), subject to the following conditions:

1. This provisional variance shall commence on May 1, 1985 and shall continue for 45 days, or until the Petitioner's contact stabilization unit is returned to service, whichever occurs first.
2. During the period of this provisional variance, the effluent discharged shall be limited to 40 mg/l BOD and 65 mg/l suspended solids.
3. The Petitioner shall sample and perform laboratory analyses as required in its NPDES Permit No. IL0021636.

4. The Petitioner shall notify Mr. Michael Severns of the Agency's Compliance Assurance Section via telephone at 217/782-9720 when dewatering of the contact stabilization unit is begun; when painting and repair work is begun; and when the unit is returned to service. Written notification confirming the telephone notification shall be submitted within 5 days thereof. This written notification shall be submitted to:

Mr. Michael Severns  
Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
Springfield, Illinois 62706

5. The Petitioner shall inspect the line between the activated sludge units and the lagoon and, if possible, shall perform all necessary maintenance and/or repairs to this line during the provisional variance period to alleviate the flow backage during periods of high influent flows.

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

7. 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 address specified in condition 4, above, of this Order.

This certification shall have the following form:

I, (We) \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 85-48 dated April 18, 1985, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

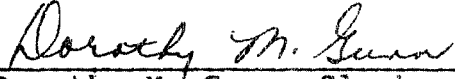
\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
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 18<sup>th</sup> day of April, 1985 by a vote of 5-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board