

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 1982

CITY OF ELMHURST, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-208  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

ORDER OF THE BOARD (by I. Goodman):

City of Elmhurst (Elmhurst) requests a variance from a condition of a variance granted it October 18, 1979, 35 PCB 519. Therein Elmhurst was allowed five years, or until its treatment facilities are upgraded, to comply with the effluent limitations for BOD and suspended solids contained in Rule 404(f) of Chapter 3: Water Pollution. This provision had two conditions. First, the in-plant discharge of the secondary effluent could not exceed 20 mg/l for BOD and 25 mg/l for suspended solids on a monthly average. Second, the final discharge of the combined effluent could not exceed 30 mg/l for BOD and 30 mg/l for suspended solids on a monthly average. Elmhurst was also granted a five-year variance to comply with the ammonia nitrogen limitation in Rules 203(f) and 402.1 of Chapter 3. No hearing was held in this matter and no public comments received.

Elmhurst operates a sewage treatment plant which was designed to treat an average dry weather flow of 6.0 million gallons per day (MGD) with excess capacity of 9 MGD for primary and secondary treatment of 25 MGD for excess flow. Flow from the plant averaged 8.386 MGD from November 30, 1980 to November 28, 1981. Effluent from the plant is discharged to Salt Creek with an average of 16.5 mg/l BOD, 13.40 mg/l suspended solids, and 15.04 mg/l of ammonia nitrogen. The sewage collection system consists of separate sanitary and storm water systems. Infiltration and inflow from this system, along with excess flows following heavy rainfalls, cause surges of suspended solids creating a solids handling problem at the treatment plant's secondary clarifiers. This results in excessive BOD and suspended solids measured in the secondary clarifier stream. Monthly average concentrations as high as 65.5 mg/l BOD and 135.8 mg/l suspended solids have been recorded. Additional settling in the excess flow clarifiers (chlorine contact tanks) reduces these levels to monthly averages below the 30/30 mg/l required in the final discharge (Petitioner's Exhibit 2).

Excursions of the variance and permit conditions are a result of the treatment plant's aeration units being overloaded. The solids handling problem also produces high liquid sludge disposal costs. Elmhurst has, therefore, made a commitment to improve the solids handling problem, in advance of the Facilities Plan being completed. To date, Elmhurst has expended \$1,005,458.88 and signed a construction contract in the amount of \$1,639,000.00 for this project alone. The sludge handling system is estimated to be completed by March, 1983, while the Facilities Plan is estimated to be completed by May, 1987.

Elmhurst is currently in Step 1 of the Construction Grants Program. Estimated completion is now not until May, 1987. Ability to reduce the BOD and suspended solids in the discharge to the receiving stream is unchanged from that when the October 18, 1978 variance was granted, as is its ability to reduce the ammonia nitrogen concentrations in its discharge to the receiving stream. The Discharge Monitoring Reports for November, 1980 through November, 1981 indicate that the limits set in that variance are generally being met for all three pollutants at final discharge. (Petitioner's Exhibit 2).

Elmhurst seeks relief from the variance condition limiting in-plant discharges to 20/25 mg/l for BOD and suspended solids until October 18, 1984, the duration of the original variance. Also requested is an extension of the original five years granted to comply with the effluent limitations for BOD, suspended solids, and ammonia nitrogen in its final discharge. Elmhurst contends that no additional environmental harm will result to the receiving stream if the variance is granted, and the time extension is necessary due to unavoidable delays in the Facilities Plan.

In its Recommendation, the Agency agrees with the requests and reasoning of Petitioner, although at the time of the last variance it contended the 20/25 mg/l in-plant limitation for BOD and suspended solids could be achieved. Based on the Discharge Monitoring Report, it acknowledges Elmhurst's inability to do so. The Agency notes that Elmhurst is making adequate progress in the Construction Grants Program. The Agency estimates that Elmhurst would be required to expend \$14,000,000 if required to proceed funding the Facilities Plan itself.

The Board concludes that denial of a variance in this instance would constitute arbitrary and unreasonable hardship and the extension of time requested is based on a continuing need. Elmhurst's expenditures to resolve the sludge handling problem, along with its continued progress in the Construction Grant Program, signify that Elmhurst is doing its part to improve sewage treatment.

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

ORDER

1. The City of Elmhurst is granted variance from Rule 404(f) and Rules 402.1 and 203(f) of Chapter 3: Water Pollution until March 1, 1987 or until upgrading of its Treatment Facilities is completed, whichever occurs first, subject to the following conditions:
  - a) Discharges of combined effluent from the excess flow clarifiers shall not exceed 30 mg/l BOD and 30 mg/l suspended solids as monthly averages.
  - b) Discharges shall not exceed 20 mg/l ammonia nitrogen as a monthly average.
  - c) All requirements of its construction grant shall be adhered to by the City of Elmhurst to maintain its priority listing so that construction of improvements may be achieved by the earliest possible date.
2. The City of Elmhurst is granted variance from Condition 1(a) in the Variance granted it 35 PCB 519 on October 18, 1979.
3. The Agency is hereby authorized to reissue NPDES Permit No. IL0028746 in a manner consistent with the terms of this Order.
4. Within 45 days of the date of this Order, Petitioner shall execute a certification of acceptance and agreement to be bound to all terms and conditions of this variance. The certification shall be forwarded to the Illinois Environmental Protection Agency, Compliance Assurance Unit, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 81-208, dated \_\_\_\_\_, 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.

Board Member D. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 19<sup>th</sup> day of March, 1982 by a vote of 3-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board