

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1982

CITY OF WHITE HALL,)	
)	
Petitioner,)	
)	
v.)	PCB 81-191
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

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

On December 4, 1981 the City of White Hall (City) filed a petition for variance from Rule 602(c) of Chapter 3: Water Pollution, and from the effluent discharge limitations as specified in its NPDES Permit No. IL0022390 for BOD₅ (5-day biochemical oxygen demand), SS (suspended solids) and ammonia nitrogen for a period of approximately two weeks. Amended petitions were filed on December 29, 1981 and January 11, 1982. The Illinois Environmental Protection Agency (Agency) filed its recommendation that the variance be granted, subject to certain conditions, on February 16, 1982. Hearing was properly waived, and none was held.

The City owns and operates a wastewater facility in Greene County which discharges to the Illinois River by way of Seminary and Apple Creeks. Wastewater received at the facility is primarily domestic wastes, and treatment provided includes screening, grit removal, primary settling, activated sludge, rapid sand filters and disinfection. Excess flows are diverted to a storm water settling basin, disinfected, and discharged.

While there is some disagreement between the City's discharge figures and the Agency's figures, the discrepancies are not great and the Board will accept the Agency's figures taken from Discharge Monitoring Reports of December, 1980 to November, 1981 and other figures as alleged. These are given in the table below:

	TREATED (monthly average)	UNTREATED (monthly average)
Flow	0.54 mgd	0.54 mgd
BOD ₅	5.7 mg/l	122 mg/l
SS	8.8 mg/l	120 mg/l
Ammonia Nitrogen	3.0 mg/l	—

The City requests this variance to allow bypassing of the activated sludge unit while it is being painted. The Agency does not contest the fact that such work is needed. However, as the Agency points out, the request for variance from the permit conditions is unwarranted in that the City's permit expired on December 31, 1978 and the City failed to apply for a new permit in a timely fashion (application was made June 8, 1979) such that the facility is presently unpermitted. Therefore, variance from the rules underlying the previous permit is required. (The Board notes that a three year period between permits has, apparently, been condoned by both parties to this action. Such should not be the case, and it is incumbent upon both parties to rectify the situation expeditiously. However, that matter is not presently before the Board for resolution.)

Therefore, the Board construes the petition as requesting variance from Rules 203(f), 402 and 404(c) of Chapter 3.

The record is silent as to whether this variance might cause fish kills by depressing dissolved oxygen levels. Given the short period of time for which variance is requested, however, the Board finds that any adverse environmental impact would be minimal. In the long run this preventative maintenance work can be expected to constitute an environmental benefit in that the painting can be done under the best possible conditions rather than under whatever conditions may exist at the time of facility deterioration. To insure that this is the case, the Board will condition the variance upon a good faith attempt to schedule repairs during a period of low flow to the plant but when there are flows in the receiving stream, and upon other conditions which should serve to minimize any adverse impact.

Since these repairs would have to be done at some time and the effluent quality would be expected to deteriorate if variance were not granted, the Board finds that failure to grant this variance would constitute an arbitrary and unreasonable hardship.

While the Agency has suggested interim limitations on BOD₅ and SS, the Board will not set any such limitations. The City will only be allowed to bypass the activated sludge unit and will be required to operate the remainder of the facility in the best practical manner. Since there is nothing else apparent that the City could do to lower the effluent discharge levels, no point would be served by such limitations.

Finally, since the Agency may (and it is hoped that the Agency will) issue a new NPDES permit during the period of this variance, the Board will authorize the Agency to issue such a permit in conformity with this variance pursuant to Rule 914 of Chapter 3.

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

ORDER

The Board hereby orders that:

1. The City of White Hall (City) is granted a variance from Chapter 3 Rule 404(c) as it relates to BOD₅ and Suspended Solids;
2. The City is granted a variance from Chapter 3 Rules 203(f) and 402 as they relate ammonia nitrogen; and
3. The City is granted a variance from Chapter 3 Rule 602(c) as it relates to sewage treatment plant bypasses.
4. The variance as detailed in paragraphs 1,2, and 3, above, is granted for thirty (30) days or until completion of repairs, whichever occurs first. This variance period is to commence within ninety (90) days from the date of acceptance of the Order;
5. The City shall operate its facility (except for the activated sludge unit) in the best practical manner during the variance period;
6. Bypassing of only the activated sludge unit may occur during the period of repair;
7. The City shall provide the Environmental Protection Agency (Agency) with notice, seven (7) days prior to the date that the activated sludge unit is to be taken out of service and afterward with the date that the activated sludge unit is returned to service. Notification shall be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Springfield, Illinois 62706;

8. The City shall make a good faith effort to schedule this maintenance work during a period of low flows to the treatment facility but when there are flows in the receiving stream;
9. All wastewater flows shall receive a minimum of primary treatment and disinfection prior to being discharged, and as much wastewater as possible shall be conveyed to the tertiary sand filters;
8. The Agency is authorized to modify the BOD₅ suspended solids, and ammonia nitrogen limits in NPDES Permit No. IL0022390 by issuing a new permit; and
9. Within thirty (30) days of the date of this Order, the City shall execute and send to Steven M. Spiegel,

Attorney Advisor, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance by which it agrees to be bound by the terms and conditions of this Order. This thirty (30) day period shall be held in abeyance for any period during which this matter is appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understand the Order of the Illinois Pollution Control Board, PCB 81-191, hereby accept that Order and agree to be bound by all terms and conditions thereof.

Signed


Title

Date

IT IS SO ORDERED.

I. Goodman abstained.

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



Christan L. Moffett Clerk
Illinois Pollution Control Board