

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1988

| | | |
|------------------------|---|-----------|
| CITY OF HERRIN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | PCB 88-89 |
| |) | |
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Respondent. |) | |

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

This provisional variance request comes before the Board upon a May 17, 1988, Recommendation filed by the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an unreasonable hardship, the Petitioner, City of Herrin, be granted a provisional variance extension from the requirements of 35 Ill. Adm. Code 304.120 and 304.141(a), subject to certain conditions, while construction repair work is completed to meet commitments outlined in its Municipal Compliance Plan (MCP).

Petitioner owns and operates wastewater treatment facilities which consist of a sewer system and treatment facilities. The treatment plant consist of an aerated grit chamber, comminutor, dual primary clarifier, trickling filter, dual secondary clarifier, trickling filter, dual secondary clarifiers, anaerobic digestion and effluent chlorination. The current plant has a rated capacity of 1.2 MGD DAF and currently discharges to an unnamed tributary f Hurricane Creek tributary to the Big Muddy River.

Petitioner presently is required by its NPDES Permit to meet interim effluent limitations of 20 mg/l BOD (monthly avg.) and 45 mg/l TSS (monthly avg.) with discharges to Hurricane Creek Tributary. The table below summarizes effluent quality reported by Petitioner on its DMR's for BOD and suspended solids for the past year.

| | <u>Flow (MGD)</u> | | <u>BOD (mg/l)</u> | | <u>TSS (mg/l)</u> | |
|-------|-------------------|--|-------------------|------|-------------------|------|
| | Ave. | | Ave. | Max. | Ave. | Max. |
| 10/87 | .91 | | 17 | 20 | 30 | 41 |
| 09/87 | 1.18 | | 17 | 18 | 34 | 45 |
| 08/87 | 1.22 | | 16 | 19 | 27 | 34 |
| 07/87 | 1.26 | | 13 | 19 | 27 | 32 |

| | | | | | |
|----------------------|------|------|----|----|----|
| 06/87 | 1.35 | 12 | 16 | 31 | 36 |
| 05/87 | 1.27 | 20 | 21 | 35 | 37 |
| 04/87 | 1.95 | 20 | 22 | 41 | 47 |
| 03/87 | 2.25 | 20 | 21 | 29 | 33 |
| 02/87 | 1.07 | * 23 | 25 | 40 | 45 |
| 01/87 | 1.9 | 18 | 20 | 30 | 33 |
| 02/87 | 2.35 | 20 | 22 | 27 | 39 |
| 03/87 | 2.45 | 25 | 29 | 33 | 41 |
| Average | 1.68 | 18 | 21 | 32 | 39 |
| NPDES limits | | 20 | 30 | 45 | 70 |
| Provisional Variance | | 46 | | 66 | |
| Limits, March 22 to | | | | | |
| May 6, 1988 | | | | | |
| *Apparent Violation | | | | | |

Petitioner is currently operating under a MCP schedule. The construction is currently ongoing to complete this MCP. The plan includes existing plant upgrading and expansion with diversion of the effluent so it will discharge directly to the Big Muddy River instead of Hurricane Creek thus providing effluent limits of 20/25 due to a greater dilution ratio. The upgrading work also involves renovation of the existing primary tanks.

Petitioner received from the Board a provisional variance on February 4, 1988 (PCB 88-31). This variance gave Petitioner effluent limits of 46 mg/l BOD and 66 mg/l TSS, monthly averages. The variance began on March 22, 1988 when the primary tanks were removed from service and continued until May 6, 1988, 45 days. Petitioner has stated that when the tanks were drained pre-existing structural problems were discovered. These problems required a portion of the structural supporting steel and anchorage to be redesigned to accommodate for these unforeseen structural conditions. Petitioner has stated that weather conditions has also also delayed completion of the project.

Petitioner has stated, and the Agency agreed, that additional time is needed to complete this repair work due to the unforeseen structural repair work needed and poor weather conditions encountered during the construction.

Petitioner has not addressed the impact of the proposed action on the treatment plant nor on the receiving stream. The Agency, however, stated that it believes that due to the remaining treatment provided by Petitioner that the environmental impact will be minimal. Also, since the work has already begun, and there are no alternatives to the Petitioner except to continue bypassing the primary tanks, the Agency believes that the variance should be granted.

The Agency states that there are no federal laws which would preclude the granting of the provisional variance. The Agency therefore recommended that the provisional variance be granted, subject to the conditions set forth in the Order below.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act (Act), the Board hereby grants the provisional variance as recommended.

This Opinion and Order constitutes the Boards findings of fact and conclusions of law in this matter.

ORDER

The City of Herrin, Petitioner, is hereby granted a provisional variance from 35 Ill. Adm. Code 304.120 and 304.141(a) subject to the following conditions:

1. Variance shall commence on May 7, 1988 and continue for 45 days or until the tanks are returned to service, whichever occurs first.
2. During the period o this variance, the effluent discharged shall be limited to 46 mg/l BOD and 66 mg/l suspended solids.
3. Petitioner shall notify Barbara Conner of the Compliance Assurance Section via telephone at 217/782-9720 when the units are returned to service. Written notification confirming the telephone notification shall be submitted within 5 days thereof. Written notification shall be submitted to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, IL 62794-9276
Attention: Barbara Conner

4. Petitioner shall return the Primary Tanks to service as quickly as possible, and shall provide the best treatment practiceable during the variance period.
5. Within 10 days of the date of the Board's Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance

during any period that this matter is being appealed.
The form of said Certification shall be as follows:

CERTIFICATION

I, (We), The City of Herrin, having read the Order of the Illinois Pollution Control Board, in PCB 88-89, dated May 19, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

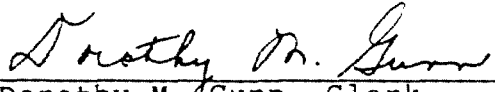
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985 ch. 111 1/2 par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 19th day of May, 1988 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board