

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1990

CITY OF POLO,)
)
 Petitioner,)
)
 v.) PCB 90-39
) (Provisional Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated March 20, 1990. The recommendation refers to a request from Petitioner, City of Polo, for a 45-day provisional variance from effluent 5-day biochemical oxygen demand (BOD₅) and suspended solids (TSS) limitations, as set forth in 35 Ill. Adm. Code 304.120(c), for the period beginning from when the City removes its final clarifier from service, on or about April 2, 1990, and lasting for a period of 45 days.

Upon receipt of the request the Agency issued its recommendation, concluding that the failure to grant the requested 45-day provisional variance would impose an arbitrary or unreasonable hardship on Petitioner.

The City operates a wastewater treatment facility that discharges to Buffalo Creek, a tributary of Elkhorn Creek, in the Rock River basin. The present effluent limits for its discharges are 10 mg/l BOD₅ and 12 mg/l TSS (monthly averages). The City must remove its final clarifier from service for repairs. The Agency agrees that this is necessary. During the time the final clarifier is down, the City's plant will operate the remaining equipment, primary settling, the comminutor, a trickling filter, a polishing lagoon, and disinfection, providing primary and secondary treatment with disinfection.

The Agency does not believe that the requested relief will have any adverse impact on any downstream public water supply. The Agency is not aware of any federal law that would preclude the requested relief. The Agency agrees with the City that any environmental impact of this provisional variance would be minimal. The Agency recommends that the Board grant the requested provisional variance with conditions.

In light of the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 304.120(c) from the date the City of Polo removes its final clarifier from

service and continuing for 45 days after that date, with the following conditions:

1. The term of this provisional variance shall commence on the date the City of Polo removes its final clarifier from service, and it shall expire after the 45th day following the date of such removal from service;
2. During the term of this provisional variance, the effluent from the City of Polo' treatment plant shall not exceed concentrations of 45 mg/l BOD₅ and 60 mg/l TSS;
3. During the term of this provisional variance, the City of Polo shall collect samples and analyze them according to the terms of NPDES permit number IL0030449, and report them to the Agency on its monthly discharge monitoring reports;
4. The City of Polo shall notify Dennis Connor of the Agency's Rockford office by telephone, at 815-987-7755, when the final clarifier is removed from service and when the work is completed, and the City shall confirm this notice in writing within five days, addressed as follows:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Attention Mark Brooks

5. During the term of this provisional variance, the City of Polo shall operate its plant in a manner that assures that it discharges the best quality effluent practicable; and
6. The City shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as indicted in condition 4; the City shall forward that copy within 10 days of the date of this Order of the Board, i.e., on or before April 2, 1990; and the Certificate of Acceptance shall take the following form:

CERTIFICATION

I (We), _____,
hereby accept and agree to be bound by all terms
and conditions of the Order of the Pollution
Control Board in PCB 90-39, March 22, 1990.

Petitioner

Authorized Agent


Title

Date

IT IS SO ORDERED.

J. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, do hereby certify that the above Order was adopted on the
22nd day of March, 1990, by a vote of
7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board