

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1984

CITY OF O'FALLON,)
)
 Petitioner,)
)
 v.) PCB 84-168
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by W. J. Nega):

This provisional variance request comes before the Board upon a November 8, 1984 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that an 8-day provisional variance be granted to the City of O'Fallon (City) from 35 Ill. Adm. Code 141(a) to allow continuation of the work begun under the previously granted 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 package contact stabilization units followed by a lagoon system. Effluent from this facility is discharged to Silver Creek pursuant to NPDES Permit No. IL 0021636. The Petitioner's NPDES Permit provides that the City's wastewater treatment facilities must meet effluent limitations of 30 milligrams per liter (mg/l) for both biochemical oxygen demand (BOD) and suspended solids. However, the prior provisional variance in PCB 84-148 allowed the City to exceed its interim NPDES Permit effluent limitations during the period that one of its 1.5 million gallon per day treatment units was removed from service for the purpose of maintenance and repair.

Although the repair and maintenance work was scheduled to be completed by November 2, 1984, the Petitioner has not yet been able to perform the requisite painting work due to the heavy rainfall (i.e., approximately 16 inches of rain) occurring during the time period between September 20, 1984 and October 31, 1984. (Rec. 4).

The City of O'Fallon has already cleaned and drained the tank of accumulated grit and solids, removed the air drop pipes, and fabricated new air drop pipes and diffusers. (Rec. 2). The Petitioner's cost of draining, cleaning, and grit removal operations has been approximately \$7,000.00. Installation of the necessary diffuser equipment has previously been delayed in part due to being able to install the equipment after the painter would finish working on a section of the tank. However, painting and

sandblasting operations are estimated to require about 15 working days and an additional 10 days of curing at temperatures above fifty degrees Fahrenheit prior to submergence. (Rec. 4). Because of the onset of colder weather during this fall season, it is now unlikely the weather will be satisfactory to complete the painting and sandblasting work within the next 45 days.

Accordingly, the City of O'Fallon now proposes to delay the sandblasting and painting of the tank until the summer months of 1985. Thus, the Petitioner has requested that its previous provisional variance in PCB 84-148 be extended until November 16, 1984 to allow it time to install the necessary aeration piping and air diffusion equipment and return the unit to operation. (Rec. 4-5).

The Agency has agreed with the Petitioner that the provisional variance should be granted until the unit can be returned to service. (Rec. 2). Moreover, the Agency has concluded that the environmental impact on Silver Creek "will continue to be minimal". (Rec. 2).

The Agency has concluded that compliance on a short-term basis with the provisions of 35 Ill. Adm. Code 304.131(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), 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 continue until November 16, 1984, or until the 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 50 mg/l BOD and 75 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 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 operate and maintain the wastewater treatment facility so as to produce the best effluent practicable.
6. 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 the Agency at the address specified in item #4 of this Order.

This certification shall have the following form:

I, (We) _____
having read the Order of the Illinois Pollution Control Board in PCB 84-168 dated November 8, 1984, 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 8th day of November, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board