

ILLINOIS POLLUTION CONTROL BOARD
September 20, 1984

CITY OF O'FALLON,)
)
 Petitioner,)
)
 v.) PCB 84-148
)
 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 September 20, 1984 Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45-day provisional variance be granted to the City of O'Fallon (City) from 35 Ill. Adm. Code 304.141(a) to allow removal from service for repair and maintenance of one of its wastewater treatment facility's two package contact stabilization units, and to allow the Petitioner to exceed its interim NPDES Permit effluent limitations during the period that the unit is out of service.

The City of O'Fallon owns and operates a wastewater treatment facility which includes two 1.5 million gallon per day (MGD) package contact stabilization units followed by a lagoon system. Effluent from this facility is discharged to Silver Creek pursuant to NPDES Permit No. IL0021636. The City has recently finished repair and maintenance work on one of the contact stabilization units and currently plans to perform similar repair and maintenance work on the other contact stabilization unit. (Rec. 1).

The Petitioner's NPDES Permit provides that the City's wastewater treatment facilities must meet effluent limitations of 30 mg/l for both BOD and suspended solids. The following table summarizes the relevant information obtained from the Petitioner's discharge monitoring reports to the Agency pertaining to BOD and suspended solids levels during the past year:

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/1)</u>	<u>SS (mg/1)</u>
Sept. 1983	0.4	28	136
Oct.	0.8	41	67
Nov.	1.5	21	61
Dec.	1.9	40	86
Jan. 1984	1.0	15	29
Feb.	1.6	42	80
Mar.	2.8	53	154
Apr.	2.7	81	37
May	1.3	47	30
June	1.3	26	36
July	0.4	32	57
<u>Aug.</u>	<u>1.4</u>	<u>13</u>	<u>29</u>
Average	1.4	37	67

(See: Rec. 1-2).

Although the City of O'Fallon did not request specific effluent limitations for the time period of its requested provisional variance, the Agency has recommended that effluent limits of 50 mg/1 BOD and 75 mg/1 suspended solids are reasonable and appropriate based on the previously delineated data derived from the Petitioner's discharge monitoring reports. (Rec. 2).

On June 29, 1984, the United States Environmental Protection Agency (USEPA) issued an Administrative Order which required the City of O'Fallon to submit an explanation of why it had not met the requisite interim effluent limits and mandated that the Petitioner provide a schedule of steps that it plans to take to guarantee compliance with its effluent limits and to optimize performance of the existing wastewater treatment facilities. (Rec. 2). In light of this Administrative Order, the Agency advised USEPA's Engineering Unit on September 17, 1984 that the Petitioner had applied for a provisional variance. (Rec. 2). The Agency has indicated that the USEPA's Engineering Unit stated that there was no objection to the Petitioner's provisional variance request. (Rec. 2).

The City of O'Fallon has indicated to the Agency that it wishes to start draining the package contact stabilization unit to be worked on as soon as possible (i.e., on September 20, 1984). The City intends to complete the necessary repair and maintenance work on the stabilization unit and return it to service by October 31, 1984. (Rec. 2). The Petitioner anticipates that this repair and maintenance work will include cleaning, sand blasting, and painting the tank as well as the fabrication and installation of new air drop pipes and diffusers. (Rec. 2).

The Agency has agreed with the Petitioner that the maintenance of the contact stabilization unit is necessary and believes that there is no practical alternative to taking the unit out of service to perform the requisite repairs and maintenance. (Rec. 3). Moreover, the Agency has concluded that the environmental impact on Silver Creek caused by one stabilization unit being out of service will be minimal, since the other contact stabilization unit will be in service and the lagoons will remain available during the time period that one of the units is being repaired. (Rec. 3).

The Petitioner has asserted that an unreasonable hardship (due to the increased costs for utilities caused by the inefficient aeration system and the ultimate cost of a new treatment unit to replace the present one) would result if the necessary repair and maintenance work to the contact stabilization unit is not performed. The Agency agrees with the Petitioner's contention in regard to such hardship. (Rec. 3).

Accordingly, the Agency has concluded that compliance on a short-term basis with the provisions of 35 Ill. Adm. Code 304.141(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) for a period of 45 days, 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 commence on September 20, 1984 and shall continue for 45 days, or until the Petitioner's 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/1 BOD and 75 mg/1 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 dewatering of the contact stabilization unit is begun; when painting and repair work is begun; and 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 84-148 dated September 20, 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 20~~th~~ day of September, 1984 by a vote of 6-0.

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