

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1986

CITY OF PEKIN NO. 1,)
)
 Petitioner,)
)
 v.) PCB 86-212
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a December 16, 1986 recommendation by the Illinois Environmental Protection Agency (Agency) that the City of Pekin (Pekin) be granted a 30-day provisional variance from 35 Ill. Adm. 304.121, subject to conditions, to allow Pekin to complete construction of the improvements to its chlorination system at its wastewater treatment facility.

Pekin owns and operates a 3.7 million gallons per day design average flow wastewater treatment facility consisting of bar screen, aerated grit chamber, flow measurement, pumps, primary clarifiers, cultivated sludge process, secondary clarifiers, chlorination, aerobic and anaerobic digester, sludge lagoon and excess flow basin which discharges its effluent to the Illinois River.

Pekin asserts that it has been unable to complete the work to its chlorination facilities due to an unexpected delay in delivery of the equipment to be installed from November 24, 1986 to December 8, 1986. Pekin contends that it has completed installation of the new chlorine lines and has removed the old chlorination equipment and that all that is left to do is install and connect the new equipment when it arrives.

Pekin asserts that denial of provisional variance would impose an arbitrary or unreasonable hardship since completion of the work to the chlorination facilities cannot be accomplished without discontinuing chlorination and that there is no reasonable alternative to discontinuing chlorination at sometime during the construction process in order to complete work and return the chlorination facilities to service.

The Agency has found that denial of provisional variance would impose an arbitrary or unreasonable hardship on Pekin and

that there is no reasonable alternative to discontinuing chlorination at some time during the construction process. Therefore, the Agency recommends that Pekin be granted a provisional variance from 35 Ill. Adm. Code 304.121, subject to conditions. The Agency bases its decision on the fact that Pekin's discharge will have minimal environmental impact on the Illinois River and that there are no downstream public water supplies which would be adversely affected by the grant of provisional variance since the first downstream public water supply is the City of Alton on the Mississippi River.

The Board agrees and hereby grants Pekin provisional variance from 35 Ill. Adm. Code 304.121, subject to conditions, to allow Pekin to complete the necessary improvements to its chlorination system at its wastewater treatment facility #1.

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

ORDER

The City of Pekin is hereby granted provisional variance from 35 Ill. Adm. Code 304.121, subject to the following conditions:

1. Variance shall commence on December 14, 1986 and shall continue for 30 days or until the chlorination work is completed, whichever occurs first.

2. The City of Pekin shall notify Gary Reside of the Illinois Environmental Protection Agency's Compliance Assurance Section via telephone at 217/782-9720 when chlorination is restarted and when the work on the chlorination facilities is completed. Written confirmation of each such notification shall be submitted to the following address:

Illinois Environmental Protection Agency
Division of Waster Pollution Control
2200 Churchill Road
Springfield, IL 62706

ATTN: Mr. Gary Reside

3. The City of Pekin shall continue to sample and analyze its effluent and submit discharge monitoring reports as required by NPDES permit #IL0034495.

4. The City of Pekin shall limit the time that chlorination is discontinued to that necessary to complete the work on the chlorination facilities in a safe, timely and efficient manner.

5. The City of Pekin shall operate and maintain its wastewaters treatment facility #1 so as to produce the best effluent practicable.

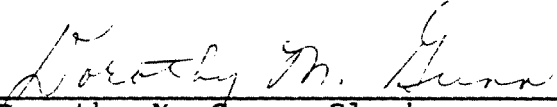
6. Within 10 days of the date of this Order, the City of Pekin shall execute a Certificate of Acceptance and Agreement to be bound by the terms and conditions of this provisional variance which shall be sent to:

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

ATTN: Jim Frost

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 18th day of December, 1986 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board