

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1987

CITY OF BELVIDERE,)
)
 Petitioner,)
)
 v.) PCB 87-47
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon an April 16, 1987, Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that because of an arbitrary and unreasonable hardship, the City of Belvidere (City) be granted a provisional variance subject to certain provisions to allow the City to exceed the effluent limitations in its NPDES permit No. IL 0027685 for biochemical oxygen demand (BOD) and total suspended solids (TSS) while construction is underway on the primary units of the treatment plant.

The City owns and operates a wastewater treatment facility which has a design average flow of 6.5 million gallons per day (MDG) and consists of "screening and grit removal, primary sedimentation, activated sludge units, secondary sedimentation, filters, effluent disinfection and sludge digestion/handling (Rec. 1). Effluent is discharged from the plant into the Kishwaukee River.

The City has been and continues to be in the construction grant program. The grant has included construction of new bar screens, influent lift stations, expansion of the activated sludge system, new tertiary filters, an effluent pump station, a new 6.5 million gallon aerated retention basin, miscellaneous building and piping modifications and sewer rehabilitation (Rec. 1-2). The Agency believes that the City is making satisfactory progress with its construction (Rec. 2).

On March 3, 1987, the City had to remove the east primary clarifier from service. The Agency believes that effluent quality will not significantly change from what is currently discharged after the east primary clarifier is returned to service and the west primary clarifier is removed from service (Rec. 2). Therefore, the Agency concludes there will be minimal adverse environmental impact (Rec. 2). This conclusion is

3. Petitioner shall meet the following effluent limitations:

	<u>Month Average</u> (mg/l)	<u>Daily Maximum</u> mg/l
BOD	40	80
TSS	40	80

4. Petitioner shall meet all other requirements of its NPDES permit;
5. Petitioner shall operate its treatment facilities so as to produce the best effluent possible;
6. Petitioner shall notify the Agency's Rockford Regional Office by phone of:
- i. the removal of the west primary clarifier from service; and
 - ii. the return of this clarifier to service.

Petitioner shall follow-up this notification with written notification to the Agency to be addressed to:

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

7. Petitioner shall not remove the west primary clarifier from service prior to the east primary clarifier being returned to service and shall not remove the final clarifier without the other final clarifier being in service;
8. Petitioner shall attempt to remove the final clarifier from service for inspection when flows are expected to be low to minimize the hydraulic loading on the other final clarifier. The final clarifier shall not be removed from service from more than 48 hours; and
9. Within ten (10) days of the date of this Order, Petitioner shall execute and submit a certificate of Acceptance agreeing to be bound by the terms and conditions of this variance. This Certificate of Acceptance shall be sent to James Frost at the address shown above.

further reinforced by the fact that flow rates in the Kishwaukee River should be high providing higher assimilation capacity. The Agency has stated that it is unaware of any other technically feasible and affordable method of completing the required work.

The Agency, however, has indicated that it does not agree with the effluent limitations the City requested (Rec. 3). The interim limits imposed by the City's NPDES Permit for BOD and TSS are 20 and 25 mg/l respectively. Final limits are 10 mg/l BOD and 12 mg/l TSS, both on a monthly average. The City requested an increase in the limits to 80 mg/l for BOD and 120 mg/l for TSS until the end of May, 1987. The Agency noted, however, that during March, with one primary clarifier out of service, the City's effluent averaged 65 mg/l BOD and 55 mg/l TSS (Rec. 3). The Agency's recommended limitations are incorporated into the Order.

After determining that the City had not received a provisional variance within the past 12 months and that no federal laws would preclude granting of this variance, the Agency concluded that compliance on a short-term basis with the limits for BOD and TSS set forth in the NPDES permit would impose an arbitrary and unreasonable hardship on the City (Rec. 3). The Agency believed the cost of renting a truck mounted clarifier, the only alternative to taking the unit out of service, would be prohibitive. Further, the Agency stated that there was no other alternative to taking the west clarifier out of service.

The City requests that the variance be made retroactive to March 3, 1987. The Agency recommends that the City be granted such a provisional variance, 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 Belvidere is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141(a), subject to the following conditions:

1. The variance shall begin on March 3, 1987, and extend to April 17, 1987;
2. The variance shall be extended to begin on April 18, 1987, and extend to June 1, 1987;

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
87-47, April 16, 1987.

Petitioner

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 16th day of April, 1987, by a
vote of 6-0.

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