

ILLINOIS POLLUTION CONTROL BOARD

June 27, 1985

CITY OF MOUNT OLIVE,)
)
 Petitioner,)
)
 v.) PCB 85-24
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board on a February 25, 1985 variance petition filed by the City of Mount Olive (Mount Olive). The petition was amended pursuant to Board Order (March 7, 1985) and filed on April 8, 1985. The City requests a variance commencing on May 1, 1985 and terminating on October 24, 1985 from the requirements of 35 Ill. Adm. Code 304.120 (deoxygenating wastes), 302.203 (sludge), 302.206 (dissolved oxygen) and 304.141 (NPDES effluent standards). The Illinois Environmental Protection Agency (Agency) filed its recommendation on May 8, 1985 that the variance be granted subject to conditions. Hearing was waived and none was held.

The City of Mount Olive is located in Macoupin County, Illinois. It currently owns a wastewater treatment plant which is the subject of this petition known as the North Plant. This plant consists of a coarse bar screen, Spirahoff tank, trickling filter, peripheral feed final settling tank and sludge drying beds. Discharge, sequentially is to an unnamed tributary of Sugar Creek, Sugar Creek and Cahokia Creek.

Mount Olive currently operates its treatment plant under an NPDES permit issued on June 30, 1977. The permit expired on March 31, 1982 but remains in effect by operation of law. The permit was apparently issued by USEPA pursuant to an Enforcement Compliance Schedule Letter (ECSL) which set interim effluent limitations of 70 mg/l for biochemical oxygen demand (BOD) and 50 mg/l for total suspended solids (TSS).

The primary portion of the plant was built in 1922 and the secondary in 1960. The design average flow is 0.27 million gallons per day (MGD). The plant has been on Restricted Status since 1967. However, Mount Olive is currently upgrading the treatment facilities. Under the Village's plan, a second plant (the South Plant) will be abandoned and the North Plant will be upgraded and expanded. A new Imhoff tank, final clarifier and excess flow facilities will be constructed. The trickling filter

will be gutted and a new distributor and new media installed. According to the Agency, it is during the period of improvements to the trickling filter that effluent concentrations are expected to degrade because the unit must be taken out of service and no backup or replacement units are contemplated. The trickling filter is expected to be out of service for approximately 45 days (Pet. at par. 3). The City, however, requests variance from May 1, 1985 to October 24, 1985 or approximately 6 months (Am. Pet. at par. 4).

Section 304.120(c) requires that effluents with dilution ratios of less than five to one may not contain more than 10 mg/l BOD and 12 mg/l TSS. The City requests interim limitations of 150 mg/l BOD and 70 mg/l TSS. Although the Agency states that the variance is only necessary for the 6-8 week period that the trickling filter is to be out of service, the City is requesting a variance for approximately 6 months. The variance petition and amended petition contain little information on the question of hardship. The Agency states that compliance would be technically feasible by installing temporary facilities during the period of construction. Thus, the nature of the City's hardship claim is apparently financial although no cost estimate for such facilities was provided. Although the Agency declines to discuss economic hardship because financial information is lacking, it points out that to require installation of temporary facilities might delay completion of the entire project. It is noted that the City would waste time and money in an effort to maintain the limits in its expired permit instead of reaching a 10/12 BOD/TSS limitation, as required for the completed plant, more quickly. The Agency contends that such a result makes little sense from a practical standpoint.

The City also provides little information concerning any adverse environmental impact on the receiving stream. It contends that any impact should be "minimal" because the trickling filter is scheduled for removal after the warmer periods of summer have passed, thereby reducing the possibility of sudden oxygen depletion in the stream. The Agency has provided data demonstrating that Cahokia Creek downstream of Mt. Olive is very high in TSS but attributes this principally to non-point sources. Elevated ammonia levels in the creek "may also be due to agricultural runoff" according to the Agency (Rec. at par. 13). The Agency also states that according to information current in 1979, Cahokia Creek downstream from Sugar Creek is used as source water by two public water supplies. Thus, to mitigate the effect of removing the trickling filter, the Agency recommends that all units, including chlorination, be on line prior to removal of the filter from service. The Agency feels that by assuming reasonable removal rates for BOD and TSS without the trickling filter, an effluent with 150 mg/l BOD and 70 mg/l TSS can be achieved by the City. The Agency concludes that the short time period, as well as the data, indicate that any adverse environmental impact would be minimal.

The Board concurs with the Agency that Mt. Olive's efforts to come into compliance with the regulations should be encouraged and expedited and finds that to prolong ultimate compliance would impose an arbitrary or unreasonable hardship. However, because the City has provided little or no information concerning economic hardship or environmental impact the Board will not grant variance for the requested term. The Board will grant variance for the 6-8 weeks that the trickling filter is out of service given that 150/70 BOD/TSS is to be achieved. The Board finds that any environmental impact will be minimal for this short period at these levels. Accordingly, variance is hereby granted from Sections 304.120, 304.141(a), 302.203 and 302.206, subject to conditions.

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

ORDER

The City of Mt. Olive is hereby granted variance from 35 Ill. Adm. Code 304.120, 304.141(a), 302.203 and 302.206, subject to the following conditions:

1. Variance shall commence when flows are diverted from the trickling filter prior to its renovation.
2. Variance shall terminate on October 24, 1985, or two weeks after the trickling filter is returned to service, whichever occurs first.
3. Petitioner shall meet effluent limits of 150 mg/l BOD and 70 mg/l TSS based upon a monthly average.
4. Petitioner shall monitor its effluent by taking composite samples once each week during the period of the variance. The samples shall be analyzed for the parameters listed in Petitioner's NPDES permit (flow, BOD, TSS, fecal coliform, pH). The influent shall also be monitored at the same frequency as the effluent.
5. Petitioner shall collect grab samples from Sugar Creek at the Rt. 138 bridge every two (2) weeks and analyze them for Dissolved Oxygen.
6. Petitioner shall notify the Agency when the trickling filter has been removed from service and when it has been returned to service. Telephone notification of these actions shall be made within one (1) hour of their occurrence to Sandy Bron of the Agency's Field Operations Section (217/786-6892). Within five (5) days written notification shall be sent to the Agency.

7. Any changes in the construction schedule shall be made by written notification to the Agency within five (5) days of Petitioner or its agents becoming aware of them. These notifications shall include the nature of the change, the reasons for it, and whether such change will or may cause the trickling filter start-up to be delayed beyond October 11, 1985.

8. All sample results required by this variance shall be submitted to the Agency within ten (1) days after the end of each month.

9. All written notifications, including sample results, shall be sent to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
Springfield, Illinois 62706
Attention: Jim Frost

10. Prior to the trickling filter being removed from service all other units, including but not limited to the new Imhoff tank, new secondary clarifier, chlorination system, excess flow pumps and excess flow facilities, shall be on-line and operational.

11. Petitioner shall submit, within 45 days of the date of this Order, the certification and acceptance form contained below to the address listed in paragraph 9 above. This 45 day period shall be held in abeyance during any time during which this Order is under appeal.

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 85-24, June 27, 1985.

Petitioner

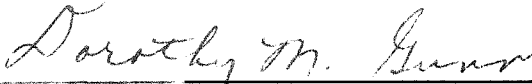
Authorized Agent

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 27th day of June, 1985, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board