

ILLINOIS POLLUTION CONTROL BOARD
April 6, 1995

IN THE MATTER OF:)
)
PETITION OF THE CITY OF WOOD RIVER) AS 94-16
FOR ADJUSTED STANDARD FROM) (Adjusted Standard-Water)
TREATMENT OF OVERFLOWS AND BYPASS)
REGULATIONS 35 ILL. ADM. CODE)
306.305(a) and (b))

OPINION AND ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on a petition for adjusted standard filed on October 27, 1994 by the City of Wood River. The petition seeks an adjusted standard for the combined sewer overflow treatment requirements of 35 Ill. Adm. Code 305.306(a) and (b). Petitioner waived its right to hearing on the petition and no request for a hearing was received. Therefore, no hearing was held in this matter. The Illinois Environmental Protection Agency (Agency) filed its response to the petition on February 27, 1995.

Wood River is requesting an adjustment from Section 306.305 so that the City will not be required to provide treatment of the first flush of storm flows or provide a minimum of primary treatment and disinfection of an additional ten times the average dry weather flow from the City's combined sewer overflows, provided the City intercept and provide full treatment for up to 4.8 million gallons per day (MGD) flow in the 84 inch combined sewers and the City provide for screening of the overflow in the 84 inch combined sewer prior to discharge.

BACKGROUND

Wood River is a city with a population of 11,500 people located in Madison County along the Mississippi River. (Pet. at 1.) The City is served by 36.5 miles of combined storm and sanitary sewers, together with 7.5 miles of separate sanitary sewers. (Pet. at 1.) The combined sewer collection system outlets to the Mississippi River through a single 84 inch outfall sewer with an estimated capacity of 168.5 MGD. (Pet. at 1.) The primary use of the Mississippi River in the vicinity of the discharge is barge transportation. (Pet. at 2.)

Wood River has constructed a regional waste disposal plant which includes secondary treatment for surrounding communities of the Village of Hartford, Village of South Roxana, and unincorporated areas in the Township of Wood River. (Pet. at 2.) The treatment facility has a peak flow capacity of 9.8 MGD and is not large enough to treat all the flows from Wood River's combined sewers. (Pet. at 2.) The plant has facilities for the interception and full treatment of up to 4.8 MGD. (Pet. at 2.) Facilities have been constructed to provide for the screening of

all overflows in the 84 inch sewer prior to discharge. (Pet. at 2.)

On December 30, 1985, the City of Wood River and the Agency filed a joint petition for an exception to the CSO regulations. On September 17, 1987, the Board granted the City of Wood River a temporary exception for 35 Ill. Adm. Code 306.305(a) as such provision relates to the first flush of storm flows and 306.305(b) for its combined sewer overflows into the Mississippi River. (Joint Petition of Wood River and Illinois Environmental Protection Agency (Sept. 17, 1987), PCB 86-6.) The temporary exception expired by its own terms on September 30, 1992. The Board's order also contained the requirements that Wood River intercept and provide full treatment for up to 4.8 MGD; provide for screening of the overflow; and attempt to acquire the usage of Amoco's lagoons for storage and treatment of excess flows.

Wood River has provided the facilities for interception and treatment of up to 4.8 MGD and has provided for the screening of overflow in compliance with the Board's order. (Pet. at 4.) Wood River has also studied the recommended alternative of utilizing the Amoco lagoon. (Pet. Exh. B.) The report of the study concluded that this treatment alternative would not be available at all times and was not economically justifiable. (Pet. at 4.) In a September 1994 letter to Wood River, Amoco indicated that Amoco's needs and uses of the lagoons would not allow any additional capacity to be utilized by Wood River. (Pet. Exh. D.)

The petition for adjusted standard requests that the level of CSO interception and treatment established on a temporary basis in PCB 86-6 be made permanent through an adjusted standard.

REGULATORY FRAMEWORK

The Board's CSO regulations are contained in 35 Ill. Adm. Code 306. The CSO regulations were amended in R81-17, 51 PCB 383, March 24, 1983. Section 306.305(a) and (b) provide as follows:

Section 306.305 Treatment of Overflows and Bypasses

All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water standards unless an exception has been granted by the Board pursuant to Subpart D.

Sufficient treatment shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the

applicable effluent standards; and

- b) Additional flows, as determined by the Agency but not less than ten times average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and

Section 28.1(a) of the Illinois Environmental Protection Act (the Act) provides that after adopting a regulation of general applicability, the Board may grant an adjusted standard for persons who can justify such an adjustment. Section 28.1(b) provides that the Board may specify a level of justification required of a petitioner for an adjusted standard. Although the Board's regulations at 35 Ill. Adm. Code 306 do not contain a level of "justification" for an adjusted standard, the Board has held that the substantive requirements of 35 Ill. Adm. Code 306.Subpart D are to be used for justification of an adjusted standard from the regulations at 35 Ill. Adm. Code 305. (Petition of the City of Jacksonville for Adjusted Standard From 35 Ill. Adm. Code 306.305(b), AS 90-1, August 9, 1990; and City of Oglesby v. Illinois Environmental Protection Agency, PCB 86-3, February 6, 1992). Therefore Section 28.1(b) of the Act applies to this petition for adjusted standard.

TECHNICAL FEASIBILITY AND ECONOMIC REASONABLENESS

In support of its petition Wood River references a 1981 study employed to justify the temporary exception in Joint Petition of Wood River and Illinois Environmental Protection Agency (Sept. 17, 1987), PCB 86-6. (Exh. A.) This study is pertinent to the present petition as the character of the water shed area and the makeup of the sewer system have not changed to any extent since the 1981 CSO study.

As part of the 1981 study, Wood River evaluated five CSO treatment alternatives. Of the alternatives studied the Board found that interception and treatment of up to 4.8 MGD of the flow, in addition to screening provided the best solution to Wood River. The Board found that two of the alternatives were not justified economically for a city the size of Wood River. The Board also found that the "no action" alternative was not justified considering the Agency's recommendation. The Board determined that more information was needed on the alternative of using Amoco's lagoons before the Board could determine if this alternative is technically feasible and economically justified.

Implementing the use of Amoco's lagoons would cost \$3,473,600 in 1993 dollars. The annualized capital and operating cost would be \$431,083. It is anticipated that these costs would increase residential sewer rates by 80%. After further review of the use of the lagoons, it has been determined that the lagoon

system will not be available for use by the City. Therefore, the alternative of using the lagoon system is not technically feasible.

CONSISTENCY WITH FEDERAL LAW

Section 306.305 implements Section 13 the water quality standards developed by the State pursuant to the Federal Clean Water Act (33 USC §1251 et seq.). The Agency asserts that the recommended adjusted standard is consistent with Federal law. (Rec. at 13.)

ENVIRONMENTAL IMPACT

The effect of the present CSO discharge on the water quality in the receiving stream remains difficult to measure due to the large size and variable flow rate of the receiving water. (Rec. at 9.) In granting the temporary exception to the City, the Board found that the impact from the Wood River CSO discharge is minimal. (Joint Petition of Wood River and Illinois Environmental Protection Agency (Sept. 17, 1987), PCB 86-6.)

The Agency believes that there will be no measurable adverse effect on the Mississippi River from the adjusted standard. (Rec. at 13.) The Agency asserts that no designated or attained uses of the waterway will be impaired by the adjusted standard. (Rec. at 13.)

AGENCY RECOMMENDATION

The Agency recommends granting the adjusted standard with conditions. (Rec. at 2.) The Agency recommends additional language for the adjusted standard to insure that the City remains in compliance with federal CSO policy.

CONCLUSION

The Board finds that the City has demonstrated that meeting the provisions of 35 Ill. Adm. Code 306, the rule of general applicability, is not technically feasible nor economically reasonable. Further, the City has demonstrated that an adjusted standard which excepts the combined sewer overflow from treatment will not have an adverse environmental effect. The Agency's response indicates that an adjusted standard is warranted. Therefore, the Board grants the City the requested adjusted standard from 35 Ill. Adm. Code 306(a) and (b) with the conditions recommended by the Agency.

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

ORDER

Pursuant to Section 28.1(b), the Board hereby grants an adjusted standard from 35 Ill. Adm. Code 306.305(a) and (b) to the City of Wood River. The following standard becomes effective on the date of this order:

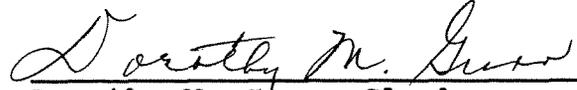
The City of Wood River is hereby granted an Adjusted Standard from 35 Ill. Adm. Code 306.305(a) as such provisions relate to the first flush of storm flows and 35 Ill. Adm. Code 306.305(b) for its combined sewer overflows into the Mississippi River, subject to the following conditions:

1. Wood River shall, as a minimum:
 - a) Intercept and provide full treatment for up to 4.8 MGD flow in the 84-inch combined sewer;
 - b) Provide for screening of the overflows in the 84-inch sewer prior to discharge.
2. The Agency shall revise Wood River's NPDES permit consistent with Agency permitting policies to implement the federal CSO policy. Wood River shall comply with the federal CSO policy (published in the Federal Register on April 19, 1994) as implemented through their NPDES permit.
3. This grant of an adjusted standard does not preclude the Agency from exercising its authority to require as a permit condition a CSO monitoring program sufficient to assess compliance with this adjusted standard and any other Board regulations and other controls, if needed, for compliance with water quality standards.
4. This grant of an adjusted standard is not to be construed as affecting the enforceability of any provisions of this adjusted standard, other Board regulations or the Environmental Protection Act, 415 ILCS 5/1 et seq. (1992), the Clean Water Act, 33 U.S.C. Section 1251 et seq. or any other applicable federal regulation.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 6th day of April, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board