

ILLINOIS POLLUTION CONTROL BOARD

May 1, 1980

WHITE COUNTY'S EVERGREEN ACRES, INC.)
and CITY OF CARMI,)
)
Petitioners,)
)
v.) PCB 80-37
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a variance petition filed February 21, 1980 by White County's Evergreen Acres, Inc (Evergreen Acres), an Illinois not-for-profit corporation, and the City of Carmi. The petition requests relief from restricted status of a sewage system by way of a variance from Rule 962(a) of Chapter 3: Water Pollution. Petitioners filed with the petition a motion for expedited consideration. On April 2, 1980 the Environmental Protection Agency (Agency) recommended that the variance be granted with conditions. The hearing was waived and no comments have been received.

Evergreen Acres has proposed to develop with funding from the United States Department of Housing and Urban Development (DHUD) a fifty unit housing project for the elderly and handicapped at the southwest edge of Carmi, south of Illinois Route 1, in White County (Pet. 1). The project will discharge to a sewage system operated by the City of Carmi which was placed on restricted status by the Agency on June 8, 1977. The sewage treatment plant (STP) was designed to handle 0.675 million gallons per day (MGD) (2,550,000 l/day) and receives an average dry weather flow of 0.474 MGD (1,790,000 l/day). It has an average wet weather flow in excess of 1.0 MGD (3,800,000 l/day) with daily peaks of 1.7 MGD (6,400,000 l/day). Wet weather bypasses occur at a rate of 9.8 MGD (37,000,000 l/day) from one point south of the STP. At another point there is a bypass of unknown rate (Pet. 3; Rec. 2).

The STP discharges to the Little Wabash River which is tributary to the Wabash River. Two miles downstream of the Carmi STP the Little Wabash shows water quality violations for dissolved oxygen and total iron. Present in the stream are algal genera which indicate high nutrient content and are used as pollution indicators (Rec. 3).

Due to the absence of final clarification organic overloading is also a problem with the Carmi STP (Pet. 3). It is subject to an enforcement compliance schedule letter issued by the United States Environmental Protection Agency. This sets interim discharge limitations of 50 mg/l, five-day biochemical oxygen demand (BOD) and 75 mg/l total suspended solids (TSS) on a thirty day average. Recent discharge monitoring reports show average BOD at 18 to 50 mg/l and TSS at 39 to 123 mg/l (Rec. 2). Rule 401(a) of Chapter 3 sets an effluent standard of 30 mg/l BOD and 30 mg/l TSS.

The City of Carmi is currently involved in upgrading its STP and sewer system within the construction grants program. Carmi's current grant priority number is 291 which indicates Step II and III funds will be available for its facility improvements. The Agency's grants section states that the sanitary sewer evaluation survey was submitted in December, 1979 and is in the process of being revised. The grant section further states that a completed facilities plan could be approved by the summer of 1980 and that the February 1, 1983 operational date is feasible. Petitioners' compliance schedules show that sewer rehabilitation will be completed by November 1, 1981. Currently the hydraulic loading on the STP should be lessened, thus improving the effluent quality.

In July of 1979 Carmi completed its sewer system evaluation survey. Carmi is in the process of forcing building owners to disconnect from sanitary sewers thirty downspouts which were discovered. When completed this should reduce hydraulic overloading (Pet. 7).

The Agency estimates that the fifty unit project will have a design flow of 7500 GPD (28,000 l/day). However, based on data from an existing elderly housing complex in the City of Fairfield, Petitioners claim there will be an average wastewater flow of 2100 GPD with peak flows of 5250 GPD (7900 to 20,000 l/day) (Pet. 2; Rec. 4). Concentrations of 200 and 250 mg/l of BOD and TSS are expected (Pet. 1). This represents a total average daily loading of 1.6 kg of oxygen demand and 2.0 kg of suspended solids. Petitioners contend that not only will the additional loading be minimal, but 80% of the residents are presently living in buildings served by the Carmi STP (Pet. 2).

The proposed project is funded by DHUD due to the acute shortage of housing in Carmi for the elderly and handicapped (Pet. 2). The Agency's Grants Section feels that Carmi has made adequate steps toward securing grants funds. Since Carmi is making good

faith attempts at bringing its discharge into compliance, the Agency recommended grant of the variance. The Board finds that denial of relief from the restricted status would impose an arbitrary and unreasonable hardship. Carmi will be required to take steps to come into compliance and to operate its existing facilities efficiently.

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

ORDER

Petitioners White County's Evergreen Acres, Inc. and the City of Carmi are granted a variance from Rule 962(a) of Chapter 3: Water Pollution to allow issuance of construction and operating permits for a fifty unit elderly housing project, subject to the following conditions:

1. The City of Carmi shall actively pursue grant funds and take timely steps towards bringing the discharge into compliance.
2. The City of Carmi shall operate and maintain its existing treatment facility to achieve optimum effluent quality.
3. The City of Carmi shall minimize bypassing of its existing treatment facility.
4. Within forty-five days of the date of this Order, Petitioners shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 80-37, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 5th day of May, 1980 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board