

ILLINOIS POLLUTION CONTROL BOARD
February 21, 1980

CITY OF EAST PEORIA, a)
municipal corporation,)
)
Petitioner,)
)
v.) PCB 79-224
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

On October 26, 1979 Petitioner filed for a variance from Rules 501(c), 601(a) and 602(b) of Chapter 3: Water Pollution. An Amended Petition was filed on December 7, 1979. The Agency has recommended that a variance be granted subject to conditions. No hearing was held.

The Agency filed a complaint against Petitioner on October 13, 1978 (PCB 78-263) alleging violations of Rule 601(a) by operating with no available auxiliary power or alarm system at 17 lift stations of the facility's sewer system. Also, certain unauthorized overflow points were bypassed in violation of Petitioner's NPDES Permit and Rules 501(c), 601(a) and 602(b). Prior to the filing of that complaint by the Agency, Petitioner had applied for a Municipal Wastewater Treatment Works Construction Grant. Since that application, on August 17, 1976, Petitioner had undertaken an inflow and infiltration analysis and applied for funding to complete a sewer system evaluation survey. Petitioner has a current federal grant priority number of 937. Total estimated construction costs for sewer system and sewage plant upgrading is \$6,780,000.

The majority of Petitioner's lift stations operating without auxiliary power or alarm systems were constructed prior to the establishment of the auxiliary power requirement. Petitioner contends that the addition of auxiliary power at a cost of \$125,000 would be of little

advantage due to the inadequacy of the present sewer system. Current problems will be alleviated under the Facilities Plan Improvements program. Furthermore, 11 of the 17 lift stations are to be eliminated under the plan with the remaining six to be upgraded to meet Rule 601(a) requirements.

Petitioner has 6 permitted bypass points on its collection system. Discharge from these points is conditioned on daily monitoring for BOD₅, suspended solids and fecal coliform. These conditions have not been met. There are, in addition, unpermitted flows from 5 manholes. Overflow locations are virtually inaccessible during storm events (in deep ravines, for example) creating difficulties in monitoring. Also, several lift station overflows discharge into storm sewers making the connections difficult to locate and further impeding the establishment of adequate monitoring sites. Petitioner maintains that the high-level overflows will be eliminated following completion of Petitioner's sewer system evaluation survey and sewer rehabilitation projects.

The Agency supports the variance from Rules 501(c), 601(a) and 602(b) of Chapter 3 for a period to end upon completion of grant-funded upgrading, but in no event to exceed 5 years. The Agency states that harmful effects to the environment caused by granting the variance would be minimal. Alternatives to granting of the variance would include permitting basement backups or sewage treatment plant and collection system improvements funded wholly by the city; both of which would impose an unreasonable hardship on Petitioner.

The Board has taken note of the objections to the granting of the variance raised by the State's Attorney of Tazewell County. A variance until March 1, 1981 will be granted to the City of East Peoria subject to the condition that the feasibility and cost of installing visual alarm lights at each lift station and the securing of portable emergency power be studied. This information can be considered by the Board on any future requests for extension of variance.

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

ORDER

- 1) It is the Order of the Pollution Control Board that Petitioner be granted a variance from Rules 501(c), 601(a) and 602(b) of Chapter 3: Water Pollution until March 1, 1981, subject to the following conditions:

- A) Petitioner shall operate and maintain the lift stations and manholes so as to minimize any possible overflows or pump failures.
- B) Petitioner shall study the feasibility and cost of installing visual alarm lights on lift stations and of securing a portable source of emergency power for the lift stations.
- C) Within 45 days of the date of this Order, Petitioner shall execute a certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed. The form of the Certification shall read as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in 79-224 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

- 2.) The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with the terms of this Order including terms and conditions consistent with best practicable treatment, operation and maintenance of Petitioner's facilities.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 21st day of February, 1980 by a vote of 4-0.

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