

ILLINOIS POLLUTION CONTROL BOARD
October 15, 1987

CITY OF OGLESBY)
)
 Petitioner,)
)
 v.) PCB 86-3
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On February 5, 1987, the Board issued an Opinion and Order in PCB 86-3 granting the City a temporary CSO Exception. In agreement with the concerns of the Agency at and subsequent to hearing, the Board imposed Condition 3(b):

Unless authorized by the Board upon a petition for modification of this order, there shall be no expansion of the service area tributary to the combined sewers except for residential hookups that do not exceed 15 population equivalents as defined in [35] Ill. Adm. Code 301.345.

Pursuant to this provision, the City filed a request with the Board on September 30, 1987 for an expedited "temporary variance" from the Order of February 5, 1987. On October 6, 1987, the City and the Agency conferred by telephone concerning the request. On October 9, 1987, the Agency filed a response supporting the City's request that the matter be given "expedient" consideration. The City filed supplements to the request with the Board on October 14.

Given the parties' request for an expedited decision, Board staff contacted the Agency by telephone to determine whether the Agency intended to file any additional response to the City's October 14 filings. As the Agency does not intend to do so, the Board will decide the motion today.

In summary, the City had requested that the Order be modified to allow connection of non-residential flows totalling no more than 360 population equivalents (P.E.) without further proceedings before the Board. The Agency recommends that the Board allow the connection of 17 P.E. to serve a commercial establishment -- a facility to be operated by the McDonald's Corporation, subject to conditions. For the reasons expressed

below, the Board will allow at this time only the 17 P.E. connection.

The City seeks the additional 360 P.E. in hook-on capacity to service a newly developing area near Interstate Highway 39 and the Oglesby Spur Road. The City expects this area to be a "highly commercialized area geographically located one-half the distance between the existing commercial centers of Bloomington and Rockford."

The City proposes to construct a new force main to be located near the Oglesby Spur Road and new Interstate 39 which would direct all sanitary flows from an existing lift station directly to the head-end of its sewage treatment plant rather than into a combined sewer. The City anticipates that the pre-construction planning and permitting process would be completed between January and June, 1988, construction would begin in July, 1988 and be completed by October, 1988.

Estimated costs for this project range between \$120,000 and \$150,000. This force main project would be coordinated with the sewage treatment plant (STP) improvements in the City's approved Municipal Compliance Plant (MCP), and would be financed as an addition to the MCP.

The City calculates that its STP and sewer system "could reasonably accept" a maximum additional flow of 360 P.E. until such time as the force main is operational. The sole stated basis and justification for its belief is "that the design hydraulic capacity of the STP is 0.879 MGD; that the average flow for the three (3) lowest months within the last twelve (12) month period based upon Discharge Monitoring Report (DMR) records is 0.401 MGD; that the results of said testings demonstrate a reserve hydraulic capacity of 0.401 MGD; and that the population projection for the 20-year design period included in the approved facilities plan report was 398 persons which would result in an additional flow of 0.0398 MGD."

The City of Oglesby anticipates significant financial hardship in the event that additional connections to the sanitary system in the west area are not allowed. Considerable effort and financial resources have been expended to date by the City to attract economic growth to this area by virtue of implementation of an Enterprise Zone, a tax increment financing (TIF) district and securing a \$300,000 Build Illinois Grant to extend sanitary sewer to this area.

The City relates that it has been negotiating with developers interested in this area, including one who proposes to develop a truck stop, as well as the McDonald's franchise owner. The City further asserts that its efforts to market this area to potential developers is hampered by the need to approach

the Board for case-by-case hook-on approval, noting that a potential truck terminal developer had relocated to another area when it was advised of the estimated one-month to four-month wait for Board approval of individual hook-ons.

In the PCB 86-3 proceeding, the Board noted that the majority of the City's system is served by a combined sewer system with high rates of inflow. The Board noted that questions remained concerning the hydraulics of the system overall. The Board also noted that the system is subject to dry weather overflows, and specifically noted the Agency's concerns about:

The effects on the combined sewer system of the planned force main and pumping station to accommodate growth near the new expressway. The Agency recommends that as a condition of the temporary exception, no new significant expansion be allowed in the service area tributary to combined sewers until the City can show that the existing overflow problems will not be aggravated.

As the Board shared this concern, the Board stated that:

Regarding the constraints on expansion of the service area, the Order allows the City, by way of motion for modification, to request the Board to allow hook-ons beyond the residential 15 Population Equivalent (PE) limitation. (see Paragraph 3 of the Order). The Board cautions the City that it must submit justification data of sufficient specificity for the Board to evaluate the hydraulic effects of the new loadings on the system, including upstream-overflows, and the effects on the quality of the overflows.

The City has failed to provide information concerning the effects of addition of an additional 360 P.E. to its system during the eighteen month period prior to completion of its force main line and STP improvements. The City's calculations of potential capacity to transport and treat these flows were based on low-flow conditions, it is axiomatic that combined sewer overflow problems are greatest during wet weather periods. Accordingly, the City's calculations have little persuasive value.

The force main proposed by the City will likely solve the City's CSO problems in the area of concern, and the Board encourages its efforts. The Board is not unsympathetic to the City's economic arguments, and does not wish this Order to be construed as a finding by the Board that the City could never make an adequate showing to allow the Board to grant a "blanket"

hook-on authorization. The data presented here is simply inadequate.

While the City has presented no data concerning the effects of allowing hook-up of even 17 P.E., the Board is inclined to allow the 17 P.E. hook-on for the McDonald's facility as recommended by the Agency; the hook-on will have little more effect than addition of a 15 P.E. residential hook-on, and will generate tax revenues for the City. The Board cautions, however, that it will not look with favor on requests for additional hook-ons whose sole basis for justification is an asserted "de minimus" addition to an already over-loaded system.

The Board hereby modifies its Order of February 5, 1987 by addition of a new paragraph 5:

- 5) Pursuant to the City's motion for modification of paragraph 3(b) above, filed on September 29 and supplemented on October 14, 1987, the City is granted authorization to seek, and the Agency authorization to issue permits for, additional connections to existing sewers which serve the area located near the intersection of Interstate Highway 39 and Oglesby Spur Road, subject to the following conditions:
 - a) The connection is restricted to a maximum additional flow of 17 population equivalents to accommodate the development of a single commercial enterprise. Applications for permits for this connection shall be filed by December 15, 1987;
 - b) The City shall proceed with its planned construction of a proposed force main to conduct flows from this area directly to its sewage treatment plant, consistent with the timetable in its letter to the Board of October 9, 1987 attached to and incorporated by reference in this Order; and
 - c) The connection authorized pursuant to paragraph 5(a) shall be terminated once the proposed force main is operational.

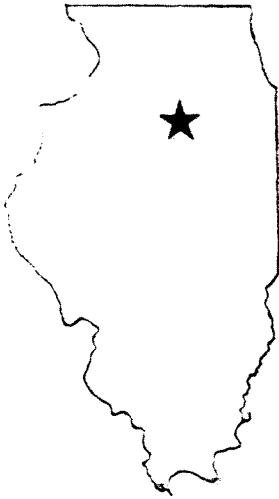
IT IS SO ORDERED.

B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 15th day of October, 1987, by a vote of 5-1.

Dorothy M. Gunn

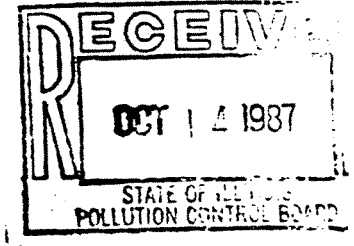
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



City of Oglesby, Illinois

Closest City to Starved Rock and Matthiessen State Park.

October 9, 1987



PCB 86-3

Illinois Pollution Control Board
State of Illinois Center
100 West Randolph Street
Suite 11-500
Chicago, IL 60601

SUBJECT: City of Oglesby
Pollution Control Board Order #PCB86-3

Gentlemen:

As a follow-up to the motion filed September 30, 1987 per letter dated September 2 1987, the City of Oglesby submits the following additional information relative to this proposal to construct a forcemain that would direct all flows from an existing lift station directly to the head-end of the sewage treatment plant, thereby eliminating any effect of flows from the lift station upon the combined sewer system.

The following is a project schedule to implement the above-referenced project:

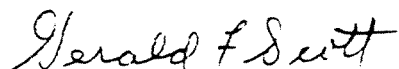
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|--|--------------------|
| A. Plans and specifications complete and ready for submission to IEPA for review and permit. | January 15, 1988 |
| B. Plans and specifications received from IEPA with review comments. | March 15, 1988 |
| C. Plans and specifications modified to comply with IEPA review comments. | April 15, 1988 |
| D. Plans and specifications approved by IEPA. | May 1, 1988 |
| E. Secure land, right-of-way, and easements. | June 1, 1988 |
| F. Secure local financing. | December 30, 1988 |
| G. Initiate construction. | July 1, 1988 |
| H. Complete construction. | September 30, 1988 |

Page Two
October 9, 1987

Please consider this letter an addition to the original motion referenced in City of Oglesby, Petitioner vs. Illinois Environmental Protection Agency, Respondent, PCB 86-3.

Also, please be advised that the City will file an affidavit supporting the original motion and this supplement on or before October 15, 1987.

Sincerely,



Gerald F. Scott, Mayor

GFS:law

cc: Gerald Hunter, City Attorney
Chamlin & Associates
Attorney Tom Davis, IEPA
Larry Schmitt, IEPA
Rich Kotner, IEPA
File

