ILLINOIS POLLUTION CONTROL BOARD April 18, 1985

CITY OF E	AST PEORIA	• 9)		
		Petitioner,)		
		Λ.)	PCB	84-172
ILLINOIS PROTECTIO	ENVIRONMEN	TAL)))		
		Respondent.)		

OPINION OF THE BOARD (by B. Forcade):

This matter comes to the Board on a November 16, 1984, petition by the City of East Peoria ("East Peoria"), seeking a variance from 35 Ill. Adm. Code 306.303 and 306.304. In response to a Board Order of November 21, 1984, East Peoria filed amended petitions on December 17, 1984, and January 4, 1985. East Peoria seeks a variance to allow continued sanitary sewer overflows until November 30, 1988. On February 7, 1985, the Illinois Environmental Protection Agency ("Agency") filed a recommendation on February 7, 1985, that variance be granted, with certain conditions, until July 1, 1988. East Peoria responded to the Recommendation on March 25, 1985. No objections were received; no hearing was held.

East Peoria owns and operates a sewage collection and treatment system which consists of approximately 103 miles of various size sewers, 17 lift stations and three treatment plants. The sewer system is designed to accept only sanittary sewage but receives considerable extraneous flows. The variance petitions seeks to allow continued sanitary sewer overflows from 19 identified overflow points tributary to the three treatment plants. These 19 overflows were the subject of a prior variance (PCB 83-38; July 26, 1983; 53 PCB 97). Sixteen overflows were the subject of an earlier variance (PCB 81-36; May 14, 1981; 41 PCB 429); eleven overflows were the subject of a still earlier variance (PCB 79-224; February 21, 1980; 34 PCB 407). The overflow points are summarized below:

Plant	Overflow	Receiving Stream	
STP 1	700 Springfield Rd-Manhole 30 1020 Springfield Rd-Manhole 27 400 Meadows Ave-Manhole 44 1500 Meadows Ave-Manhole 42	Cole Creek Cole Creek Dry Run Creek Dry Run Creek	
	Maybee Ave-between Manhole 14 & 15 Cracklewood Ct-Manhole Flossmar Ct-Manhole		

Woodlawn Lift Station Field Grove Lift Station Lincoln Parkway Lift Station Alice Street Lift Station Brentwood Lift Station Maria Street Lift Station Pebble Court Lift Station	unnamed ditches tributary to Dry Run Creek
Crawford Street & Railroad Alley-Manhole 64 Reinders-Manhole 34	unnamed ditches tributary to Illinois River
Twin Oaks Ct-near Manhole 37 Crestarms Ct-Manhole	Ackerman Creek
East Oakwood Ave-Manhole	drainage area behind Fondulac

Dam

All of the receiving streams are tributary to Farm Creek which flows into the Illinois River. Overflow quantities at these 19 points range from 0 - 798,000 gallons per year with a total from all overflows of slightly over 2 million gallons per year. The Agency and East Peoria agree that the overflows seem to have little or no discernable adverse impact on water quality downstream in Farm Creek. While localized adverse impacts are known to occur (discharges from Manhole 27), East Peoria has responded promptly to complaints by spreading lime.

East Peoria has submitted the following estimated construction costs to secure full compliance:

STP 2

STP 3

Route 8 Trunk Sewer Kerfoot Trunk Sewer Meadows Avenue Trunk Sewer Shadoway Dr. Trunk Sewer Taylor St. Trunk Sewer Sewer System Rehabilitation Storage Facilities Plant 1 Improvements	\$ 392,026 1,263,613 655,732 431,786 828,600 160,154 1,418,028 2,831,495
Totals	\$7,981,434

The Agency asserts that nearly half of this amount may not be specifically relevant to the elimination of overflows encompassed in this variance request. East Peoria believes the listed costs are relevant.

Despite the differing estimates of total cost, East Peoria and the Agency contend that for immediate compliance the economic hardship outweighs any adverse environmental impact, especially considering East Peoria's efforts to minimize adverse impact. The Board agrees and will grant a variance.

However, the Board will grant the variance to July 1, 1988, rather than November 30, 1988, as requested by petitioner, since the July 1 compliance date is required by the federal Clean Water Act (see Section 301(i)(1), and both the Board and the Agency are precluded, respectively, from granting a variance or issuing a permit allowing compliance beyond a federal statutory deadline.

Further, the Agency states that, in accordance with a USEPA mandate and pursuant to the Clean Water Act, and with or without federal grant funding, it has established a Municipal Compliance Stategy (MCS). Under the MCS, the Agency will reissue permits for WWTP #1 and #2 providing for sanitary sewer overflows (the present permits do not so allow) and a required preparation of a fixed date Municipal Compliance Plan (MCP) consistent with the variance. (Agency Rec. 4, 5, 9.)

The Board notes that East Peoria is unlikely to get federal grant funds, and that it is diligently pursuing alternative funding sources. (East Peoria Resp., 2). Nevertheless, the timing of alternate funding pursuits does not permit further delay in preparing an MCP with fixed compliance dates, absent amendments to the Clean Water Act. The Board's order reflects the Agency's recommended conditions, except that the requirement to comply with PCB 73-263 is not included because it is unnecessary to so state.

This Opinion constitutes the Board's findings of fact and conclusions of law in support of the Order of April 4, 1985, in this matter.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the day of and 1985, by a vote of 4.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board