

ILLINOIS POLLUTION CONTROL BOARD
May 18, 1984

CITY OF HERRIN,)
)
Petitioner,)
)
v.) PCB 83-161
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

The City of Herrin (City) filed a Petition for Variance with the Board on November 7, 1983 seeking relief from the Standards of Issuance requirements of Subtitle C: Water Pollution found at 35 Ill. Adm. Code 309.241 (formerly Rule 962 of Chapter 3). Petitioner wants to construct and operate a sewer extension to service residential homes in Duncan's First Home Addition to replace existing, malfunctioning private septic systems. However, Petitioner's wastewater treatment facility has been subject to Restricted Status since April 29, 1980. (Rec. p. 2). Without relief, Petitioner would be barred from such activity. In response to a Board Order requesting more information, Petitioner filed an Amended Petition on January 11, 1984. As directed by a January 12, 1984 Board order, Petitioner served all the residents of Duncan's First Home Addition (Duncan's) and filed proof of service on February 27, 1984. The Agency's Recommendation, advocating a grant of variance, was filed on March 13, 1984. No hearing was held, Petitioner having waived the same. (Pet. p. 8).

There are twenty-seven residential homes in Duncan's. On the average, they were built fifty years ago. The septic systems servicing these homes range in age between twenty to thirty-five years, which is greater than the anticipated useful life. The systems' malfunctioning is causing direct discharges and partially treated discharges of sewage to nearby ditches and ground surfaces. Both the City and the Agency agree that the problem constitutes a public health threat which must be corrected.

Of the twenty-seven homes in Duncan's, twenty-one would have to be connected via the new sewer extension to the City's wastewater treatment plant, which is under Restricted Status. The alternative would be for the residences to install new individual septic systems. In its original Petition, the City estimated that this alternative would cost \$3,850 per residence. (Pet. p. 7). The Amended Petition revised the estimated cost to \$2,740 per residence.

This figure was based on installation of sand filters, chlorination systems and effluent pumps. (Am. Pet. p. 2). It is due to the poor percolation rate of the area's soil that the new sand filters would be necessary. The approximate cost to replace twenty-one septic systems, would, therefore, be \$57,540. In its Recommendation, the Agency agreed that this estimate was reasonable. (Rec. p. 9). In addition to the cost to the individual residences, the City alleged that the area's drainage ditches would have to be changed to handle discharges and eliminate mosquito breeding areas.

On the other hand, the City estimated that extending sewer service to the twenty-one homes would cost approximately \$20,511. (Pet. p. 7). The Agency commented that this estimate seemed low for installing one-half mile of 8 inch sewer and ten manholes. However, since Petitioner will provide the labor and no pavement needs to be removed and replaced, the Agency conceded that the cost might be accurate. (Rec. p.9).

The City's wastewater treatment plant was put on Restricted Status in 1980 because of continuing excursions of the final effluent limitations then contained in its NPDES permit. Final limitations were in effect because the City had failed to take all timely grant actions in the Construction Grants Program. Presently, there is a draft NPDES permit issued for the facility which contains interim and final effluent limitations. The interim limits are included because the City has made progress in the grants program. In its Recommendation, the Agency noted that these interim limits can be extended until July, 1988 if the City continues to make progress in the federal program.

The City's plant has a design average flow of 1.2 million gallons per day. Its discharges are emptied into an unnamed tributary to the Big Muddy River. According to the Agency's Recommendation, its inspections have revealed bypassing during almost every measurable rainfall. (Rec. p. 9). The draft NPDES permit contains conditions for such bypassing in accordance with 35 Ill. Adm. Code 306.103(a) and (c). However, one of the plant's two outfalls often exceed these limitations. (Rec. pp. 4-5). It is suspected that the plant's bypasses, in addition to mine waste discharges and vegetative deposits into the Big Muddy, cause water-quality problems downstream. In addition to these problems basement back-ups and sewer system overflows occur during wet weather. (Rec. pp. 9-10). However, the Agency could not determine if the additional flows from Duncan's would aggravate the problem and it still recommended that variance be granted. (Rec. pp. 10-11).

On November 29, 1983 the United States Environmental Protection Agency issued a Step 1 grant to the City. This grant is essentially for design and construction of minor sewer rehabilitation in order to obtain accurate flow data to be utilized in a revised facility plan. The Agency's Recommendation included a time schedule for this Step 1 grant to be implemented. A total

of 450 days from the date of issuance was provided for planning, rehabbing and monitoring the sewers. This schedule puts the City twenty-two months behind the schedule contained in another Variance granted by the Board in City of Herrin v. IEPA, PCB 82-148 on April 21, 1983. (52 PCB 71). That petition was much the same as this Variance, allowing nineteen homes to replace private septic systems with City sewer service. The Agency's Recommendation indicates that the City was 10 months behind schedule at the time that variance was filed due to its own incomplete and late filings and because it had been awaiting Step 2 funds under the State's Anti-Pollution Bond Act Fund. The City has since switched to the federal grant program.

As requested by the Board, the City commented on the feasibility and cost of installing water saving devices in the homes to be connected by the new sewer extension. The City acknowledged that it could adopt an ordinance requiring all new tap-ons to the sanitary system to install water saving devices on plumbing fixtures before tap-on permits would be issued. The City estimated that installation and the fixtures would cost approximately \$60 per residence. Based on average domestic sewage discharge per household per month, sewage discharge per household could be reduced from 3,900 gallons to 2,340 gallons. Overall, from the twenty-one homes involved, a reduction of 42,120 gallons per month, or 1,380 gallons per day could be realized. (Am. Pet. pp. 3-4).

The Board finds that the public health threat posed by the malfunctioning septic systems justifies a grant of variance for the connection of the twenty-one homes identified and served by Petitioner. However, to minimize the impacts to the City's wastewater treatment plant and the Big Muddy River the Board will condition granting the variance upon the City's adoption of an ordinance which requires water saving devices to be installed prior to actual tap-ons by the twenty-one homes subject to this variance.

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


ORDER

The City of Herrin is granted variance from 35 Ill. Adm. Code 309.241 for the purpose of constructing and operating a sewer extension to service the twenty-one residences in Duncan's First Home Addition in the City of Herrin which were served Notice of this Petition. Prior to permitting any actual tap-ons the City of Herrin shall adopt a city ordinance which requires that flow restricters in faucet-heads and toilet dams be installed in residences as a prerequisite to new sewer tap-on permits being issued by the City. A copy of that adopted ordinance is to be

sent to the Clerk of the Board and to the Division of Water Pollution, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, IL 62706.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 18th day of May, 1984 by a vote of 6-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board