

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 1983

CITY OF HERRIN, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 82-148  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board upon a December 20, 1982 petition for variance filed by the City of Herrin to allow the extension of sanitary sewers to the George Harrison's 1st and 2nd survey of Outlots in Williamson County. The Illinois Environmental Protection Agency (Agency) filed a recommendation on March 4, 1983 and an amended recommendation on March 31, 1983 recommending that variance be granted. Hearing was properly waived and none was held.

Herrin proposed to connect twenty-two homes to the Herrin sewer system and to the Herrin Wastewater Treatment Plant (WWTP). The homes discharge an estimated population equivalent of sixty-four. Variance is necessary in that the WWTP was placed on restricted status by the Agency on August 29, 1980.

Herrin owns and operates the WWTP, its tributary sewer system and four major lift stations which serve approximately 10,000 persons and four major industries. Original construction of the WWTP was in 1950 with some additions in 1960. In the mid-1970's Herrin installed temporary chlorination. The sewer system was completed in 1939 with a major system extension in 1964. Since then Herrin has constructed only minor extensions.

The WWTP consists of a comminutor/bar screen, an aerated grit chamber, two primary settling tanks, a trickling filter, two secondary clarifiers, and chlorination. At the head end of the plant, Herrin has a raw sewage bypass which enters into the final outfall and mixes with the final treated effluent during periods of rainfall. The WWTP has a design average flow of 1.2 million gallons per day and discharges to an unnamed tributary of the Big Muddy River.

Originally designed to convey only domestic and industrial wastewater, Herrin's sewer system presently has several known storm sewer connections resulting in direct inflow to the system. Manhole overflows, basement backups and bypassing of the WWTP have occurred due to this inflow and infiltration.

Herrin was issued NPDES Permit No. IL0029165 on June 4, 1982 which became effective on July 4, 1982 and will expire June 30, 1983. Discharge monitoring reports show general compliance with the permit limitations since November 1982, for Outfall 001, but general non-compliance for Outfall 002 during that same period. Further, on December 17, 1981 the Board found Herrin to be in violation of effluent standards, WWTP bypass and combined sewer overflow regulations, and reporting and operating requirements (PCB 79-239, 44 PCB 215).

Herrin is in the Federal Construction Grants Program for upgrading of its WWTP and for sewer rehabilitation which upon completion would remove Herrin from restricted status. Currently, Herrin is awaiting Step II funding in order to initiate sewer rehabilitation design. However, it is approximately 10 months behind the time schedule presented in the petition, although the record indicates Herrin cannot be held entirely responsible for the delay.

Herrin has identified twenty-two (22) homes without public sewer service. However, in communications with the Franklin-Williamson Bi-County Health Department, the Agency has determined that only eighteen homes within the area in question currently suffer from malfunctioning systems, plus one antiquated system that could fail at any time, (see Exhibit 1).

A March 17, 1983, letter from Larry Castrale, Director of Environmental Health of the Bi-County Public Health Department, to the Agency identifies the nineteen owners:

Art Woodlard	Roger Propes
Martin Bruyns	Jim Scott
Marie Helms	Amebia Gunter
Rose Pool	John Gunter
Robert Cockran	Mr. White
Brady Rose	Mr. Jockum
Everett Anderson	Mr. Whitecotton
Delia Reynolds	Hershel Reeder
Ron Absher	Coy Propes
Bill Blaize	

A July 30, 1982, Agency inspection of the Big Muddy River downstream from the discharges of the Herrin WWTP revealed heavy sludge deposits which the Agency concluded resulted from raw sewage bypassing during heavy rain events. Similar conditions were noted on a June 10, 1982 inspection.

This [Big Muddy River] is possibly one of the poorest quality, at the point of withdrawal, both chemical and physical, sources of surface water within the Region 5 [Southern Region] area. The wastewater effluent from at least nine community WWTP's and the runoff from at least 11 coal mines discharges either directly into the Big Muddy River or one of its tributaries upstream from the Cities Water Company - Royalton WTP [Water Treatment Plant]." (Herrin's WWTP is the closest WWTP and is one of the largest.)

This report further states that:

"The results of possible untreated municipal wastewater discharge, mine waste discharge, and vegetative deposits into the river after a local storm on early July 2, 1980 resulted in a massive fish kill immediately upstream from Royalton. This also produced a major taste and odor problem for the WTP." (Herrin's DMR's indicates WWTP bypassing on that date.)

The Board agrees with the Agency that the environmental hazards associated with the connection of the nineteen systems outweigh any additional aggravation to downstream water conditions of the Big Muddy or the Royalton public water supply. Although the Board is concerned that Herrin has installed a sewer extension and connections to five of the homes prior to this request for variance and in violation of the permit requirement, the Board also recognizes the potential health hazards due to malfunctioning or antiquated systems. According to Herrin, replacement of the private systems could cost each resident \$3,850.00. The Board finds this to be an unreasonable hardship which warrants variance relief.

Therefore, notwithstanding the activities of Herrin in installing and operating an illegal sewer extension, the Board will grant a variance to those homes documented by the Bi-County Health Department as having malfunctioning or antiquated systems.

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

#### ORDER

The Board hereby grants the City of Herrin variance from 35 Ill. Adm. Code 309.241 to allow the Agency to issue construction and operating permits for the nineteen homes documented by the Franklin-Williamson Bi-County Health Department in its March 17, 1983 letter and as listed in the Opinion, above.

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 21<sup>st</sup> day of April, 1983 by a vote of 4-0.



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Christan L. Moffett, Clerk  
Illinois Pollution Control Board