

The City of Neoga, currently on restricted status, also requests a variance from Rule 962(a) so that it may allow an additional discharge of up to 100 population equivalents (P.E.) of sewage into its treatment system. Discharge monitoring reports for the past year show that the Neoga plant's average flow exceeds its design capacity. The Petitioner fails 1) to state whether the additional sewage would be treated at the plant or discharged directly into the already overflowing sewer system; 2) to address the potential environmental impact of increased flow through the treatment plant or at the overflow points; and 3) to demonstrate that hardship would be imposed if the Board denied the variance. The Agency, therefore, recommends that a variance from Rule 962(a) be denied.

The Board hereby grants Petitioner a variance from Rule 602(b) of Chapter 3: Water Pollution, but denies Petitioner's request for relief from Rule 962(a). Denial of a variance from Rule 602(b) would impose arbitrary and unreasonable hardship upon Petitioner. Requiring the City of Neoga to eliminate sewer overflows without grant assistance would impose extreme economic hardship upon the citizens of Neoga. The variance from Rule 602(b) shall be granted for a period of 5 years, provided that overflows are reduced to the greatest extent possible during the term of the variance. The Petitioner, however, has failed to demonstrate that hardship would result from the denial of a variance from Rule 962(a) or assess the environmental impact of an additional 100 P.E. on its sewage treatment system. Absent these showings, the Board will not grant a variance from Rule 962(a). Sewer connections designed and intended to serve single buildings treating or discharging less than 1500 gallons per day of domestic sewage to existing sewers, nonetheless, are permissible even while a municipality is on restricted status.

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

ORDER

- 1) Petitioner is hereby denied a variance from the requirements of Rule 962(a) of Chapter 3: Water Pollution.
- 2) Petitioner is hereby granted a variance from the requirements of Rule 602(b) of Chapter 3: Water Pollution for a term of 5 years from the date of this Order, subject to the following conditions:
 - a) that the sanitary sewer overflows are minimized to the greatest extent practicable during the term of the variance.
 - b) that within 45 days of the date of this Order, Petitioner shall execute a Certificate of Acceptance and

Agreement to be bound by the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance during any period this matter is appealed. The form of said Certification shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-115 hereby accept that Order and agree to be bound by all of its terms and conditions.


SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 23RD day of August, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board