

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1976

CITY OF OTTAWA,)
)
 Petitioner,)
)
 V.) PCB 76-187
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This matter comes before the Board on the variance petition filed June 28, 1976, by the City of Ottawa seeking relief from Rule 602(d)(3) of Chapter 3: Water Pollution Rules and Regulations. An Agency Recommendation was filed with the Board on August 12, 1976; no hearing was held in this matter.

Rule 602(d)(3) establishes a compliance date of December 31, 1975 for Rule 602(c), which requires in part that all combined sewer overflows shall be given sufficient treatment to prevent pollution or a violation of applicable water quality standards.

The City of Ottawa owns and operates a sewage treatment plant which has a design average flow of 4.0 MGD, and an average daily flow of 2.5 MGD. Although the plant has a design maximum flow of 8.0 MGD, during periods of heavy precipitation flows in excess of 5.5 MGD are diverted to a three cell storm lagoon which has a capacity of fourteen million gallons. When the third cell of the storm lagoon becomes full, its contents are redirected to the chlorine contact tank for chlorination and admixture with the plant's final effluent. The City's wastewater collection system consists of both combined and sanitary sewers. Although most of the sewers constructed prior to 1956 were combined sewers, the City alleges that since 1956 it has been constructing separate sewers in new developments and installing storm relief sewers in existing developments. There are eighteen overflow points on the collection system which discharge directly to the Illinois or Fox Rivers when the system becomes hydraulically overloaded during periods of wet weather.

The City alleges that it has been diligently working to bring its system into compliance. On June 3, 1975, the City was awarded a Step I grant to prepare a Facilities Plan for the City. At the same time, the City was awarded a Step II and III grant to separate storm and sanitary flows within a specific area of the City, the Central District. Construction on this project has been initiated and is expected to be complete in 1977. The Agency expects that

the City's Facilities Plan, which will focus on remaining combined sewer overflow points, will be submitted within the month and the Agency will then consider the award of additional Step II and III grants. In view of the high cost of improvements, the City alleges an arbitrary and unreasonable hardship would be placed upon it if it were forced to proceed with sewer improvements prior to obtaining assistance from existing grant funds.

The Agency and the Board have recognized the fact that many municipalities and sanitary districts throughout the State have not met and cannot presently meet the 602(d)(3) compliance date. On December 22, 1975, the Agency filed an Amended Petition for Regulatory Change (R75-15) with the Board specifically requesting the compliance date be extended, provided the discharger has applied for a grant and is diligently pursuing the grant program. Although the Board has not taken final action on this proposal, at its May 20, 1976 meeting, the Board authorized for publication a proposed final draft of the Rule Change which would adopt the substance of the Agency's proposal. The economic impact hearings were conducted on August 26, and September 1, 1976.

In view of the foregoing, the Board is disposed to grant the City of Ottawa the relief requested. We believe an arbitrary and unreasonable hardship would be placed on the City by requiring the massive capital outlays necessary for compliance without first allowing the City to obtain assistance from existing grant programs and particularly so when the City would be precluded from any reimbursement from State/Federal grant funds if the City were to proceed in advance of a particular grant award (The Clinton Sanitary District PCB 75-498; The Sanitary District of Elgin, PCB 75-501).

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

ORDER

1. The City of Ottawa is granted variance from the compliance date for the treatment of combined sewer overflows as established by Rule 602(d)(3) of the Water Pollution Rules and Regulations. Such variance is granted until July 1, 1977, or until the Board takes final action in consideration of Regulatory Proposal R75-15, whichever is earlier.

2. During the period of the variance the City shall maintain optimum plant operating efficiency and convey as much combined sewer flow to its plant as is practicable.

3. This variance will immediately terminate if the City is offered a State or Federal grant during this period and the City does not respond with appropriate action to bring the combined sewer system into compliance.

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 16th day of September, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board