

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1975

CTS KNIGHTS, INC.)
and CITY OF FAIRBURY, ILLINOIS,)
)
JOINT PETITIONERS,)
)
)
v.) PCB 75-348
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
)
RESPONDENT.)

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

Joint Petition for variance was filed on September 5, 1975 by CTS Knights, Inc. (CTS) and the City of Fairbury (City). The Petition asks to allow a proposed new industrial building to be connected to the City sewage collection system which is under an Agency sewer ban placed into effect January 22, 1974.

A recommendation was filed by the Agency on October 6, 1975. No public hearing was held. On October 14, 1975 CTS filed a reply to the Agency recommendation. On October 9 the Board was asked by CTS to make an expedited ruling in this cause. On October 15 the Agency filed a reply to CTS. And on October 16 CTS filed additional statements.

CTS is an Illinois corporation with its principal business office in Sandwich, Illinois. The operation in Fairbury is in leased space and employs 50 persons in the manufacture of quartz crystal blanks and related products which are used as components in electronic circuits, communication and data processing equipment. Expansion is desired into a new plant to employ 150 persons with operation to begin about January 1, 1976. In 1977 employment would reach 250.

The firm estimates its monthly water discharge at 80,000 gallons (about 4,000 gpd) consisting of 75,000 gallons of sanitary waste and 5,000 gallons of decanted liquid from the aluminum oxide and quartz crystal settling process.

The alternatives to discharging to the sewer system are given as:

Four month capacity holding lagoon	\$35,000
Septic system	\$75,000
Tank truck removal of waste water	\$70,000

Relocation to Forrest, Illinois was rejected because of the lack of available space for lease. Relocation to Wisconsin or Ohio would cost CTS \$80,000 plus \$75,000 in unemployment compensation charges for a total of \$155,000.

Fairbury has a population of 3,500 and is located 20 miles from Pontiac. The sewage treatment plant is a trickling filter secondary treatment plant with the usual equipment. Its capacity is given as 750,000 gpd with primary treatment only available for an additional 250,000 gpd. The City's sewer system is a combined storm and sanitary system with eight overflows to Indian Creek which joins the south branch of the Vermillion River 3.5 miles downstream. Pumping capacity is inadequate and raw or partially-treated sewage is discharged during storms.

The Petitioners state that the biological condition of Indian Creek changes from "unbalanced" upstream of the sewage treatment plant to "semi-polluted" at the plant and "unbalanced non-polluted" at the confluence with the Vermillion. Farms border Indian Creek below the sewage treatment plant and it is not used as a water supply.

The City's voters approved on July 15, 1975 a bond issue of \$425,000 to solve their sewage treatment problems. An additional \$50,000 has been committed by the City to acquire land for the expansion project. The sum of \$1,281,100 has been offered to the City and accepted by it as the State's 75% share of a total project eligible cost of \$1,708,100 (Exhibit 5). Completion of the sewage treatment project is expected in late 1977.

The arbitrary and unreasonable hardships to the Petitioners which would occur were the subject variance not to be granted are alleged to be large monetary losses to CTS in leaving Fairbury; increased unemployment to City residents; and lost revenues to the City.

The Agency, in its Recommendation, corroborates the Petitioners flow figures. It places present employment at 35 persons and says nothing about the 250 person employment figure estimated in the Petition for 1977.

Eleven overflows to Indian Creek are given by the Agency compared to eight overflows cited by the Petitioners. The Vermillion River is given as the public water supply for the City of Pontiac which is said to be 10 to 12 miles downstream. The October 15 document filed by the Agency also lists the City of Streator as using the Vermillion River for a public water supply. Streator is about 20 miles further downstream from Pontiac.

The sewage treatment plant's rated capacity is 300,000 gpd and flows in excess of 715,000 gpd are diverted to Indian Creek. Bypassing of raw sewage occurred on 67 days in the first six months of 1975. "Settled" effluent (presumably primary treatment effluent) was bypassed 108 days in the same period.

The Agency gives its opinion that the City's sewer system cannot handle any new connections that would increase hydraulic loading. It believes that the overflows and bypassing are intermittent enough to make retention feasible on the Petitioners' part.

The stream conditions cited by the Petitioners are verified by the Agency. Sludge deposits in Indian Creek during dry weather flows are noted. The grant status is given as follows: Step I grant accepted by the City on April 2, 1975; supplemental Step I grant accepted on July 25, 1975; completed plans for Step II due January 31, 1976; and plant completion due December 31, 1977.

The Agency recommends a denial unless an acceptable method of storing or treating the wastes is provided so as not to violate applicable Rules.

The CTS reply of October 14, 1975 gives the new operational date for the factory as February 1, 1976 instead of January 1, 1976. It alleges that "through natural cleansing processes" Indian Creek recovers at its confluence with the Vermillion and that the additional wastes would create a negligible effect.

CTS discusses the urgency to enter fully the cyclical citizen band crystal manufacturing market and the reasons for its request for an expedited Board decision. It has a large order which must be filed by March 31, 1976.

The Board must balance the need for this additional employment to the City of Fairbury (and indeed to Illinois) and the evidently excellent time to enter the crystal market with the environmental effects of additional raw sewage to Indian Creek.

We agree that additional employment is badly needed in Fairbury and in the State. And if the market is as favorable for entry as CTS alleges it would seem that a modest expenditure for retention could be incurred. Raw sewage, as is well known, carries with it enteric organisms. Such illnesses as cholera, typhoid, polio, dysentery, hepatitis, shigella, and salmonella, can be spread by contact with raw sewage. The fact that Indian Creek seems to recover biologically tells us nothing of the pathogenic bacterial and viral content of the water. And 10-12 miles downstream is the public supply intake of the City of Pontiac and below this is the intake of the City of Streator. No qualified sanitary engineer has given an opinion in this case on possible increased health hazards to Pontiac and Streator or to persons using the Vermillion River.

Normally, we would remand this proceeding for a hearing in which to develop additional facts. Time is short according to CTS and thus we will grant the variance conditional upon at least four days liquid waste storage being provided and utilized during rains. The record gives no reason for the choice of "four months storage" for the proposed lagoon alternative. Should wet weather continue such that overflows occur after four days, CTS will have to take other action to prevent discharges to the sewer system.

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

Mr. Young abstains.

ORDER

Variance is granted to CTS Knights, Inc. and to the City of Fairbury from Rule 962 of the Water Pollution Regulations to connect a proposed industrial building to the Fairbury sewer system provided that at least four days wastewater storage (16,000 gallons) shall be installed and used during rainfall periods with flow to the sewer system being made no less than 24 hours after cessation of rain. However, if overflows are still occurring from the sewer system to Indian Creek, then CTS shall take whatever alternative action is necessary to avoid discharges to the sewer system until such overflows cease.

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of October, 1975 by a vote of 3-0.


Christian L. Moffett, Clerk
Illinois Pollution Control Board