

ILLINOIS POLLUTION CONTROL BOARD
March 1, 1979

CITY OF ELDORADO,)
)
 Petitioner,)
)
 v.) PCB 78-280
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a Petition filed on November 8, 1978, by the City of Eldorado, Saline County, Illinois, for a variance from Rule 962 of Chapter 3: Water Pollution, of the Pollution Control Board Rules and Regulations and Sections 12 and 39 of the Environmental Protection Act. No hearing was held; the City of Eldorado waived hearing in an Amended Petition filed December 4, 1978. The Environmental Protection Agency filed a Recommendation favorable to the grant of a variance, subject to certain conditions, on January 9, 1979.

Rule 962(a) provides that the Agency shall not grant any permit required by Chapter 3 unless adequate proof is submitted that the facilities to be permitted will be constructed or operated without violating the Act or Regulations; or, has been granted a variance under Title IX of the Act.

The existing sewage treatment facilities consist of a 20 acre waste stabilization lagoon, one lift station and a system of sanitary sewers ranging in size from 8 to 24 inches constructed in 1968 (Pet. 1, Rec. 1). Discharge is into the Eldorado Drainage Ditch, which is tributary to the Middle Fork of the Saline River. The discharge is authorized by NPDES Permit No. IL0028649 issued June 28, 1977. A USEPA Enforcement Compliance Schedule Letter has established interim effluent concentration limitations for BOD₅ and suspended solids at 60 mg/l until such time as improvement and upgrading of the existing facilities are completed (Pet. 2, Rec. 2). The system has been on restricted status since October 20, 1976, due to organic and hydraulic overloading of the present treatment facility (Rec. 2).

The City of Eldorado is currently in Step II Design of new treatment facilities with a projected completion date of December, 1980 (Pet. 2).

The variance requested by the City of Eldorado would allow the construction and operation of sewer extensions to serve two areas which presently utilize individual private sewage disposal systems. The City has applied for and is expected to receive a grant from the United States Department of Housing and Urban Development for the sewer extensions. The grant will provide approximately 5200 lineal feet of 8 inch diameter sewer to connect 50% of the unsewered residents in an area known as College Heights and 13,000 lineal feet to connect unsewered residences in the second area known as Parrish Addition. College Heights contains 213 lots; 169 with septic tanks discharging above ground, 15 discharging to field tile, 15 connected to City sewers and 14 vacant. Because of the topography, only those residences which can be served by gravity flow will be connected under the HUD grant. Parrish Addition contains 136 lots; 119 with septic tanks discharging above ground, 7 discharging to field tile and 10 vacant. Most, if not all, of these residences will be connected under the HUD grant (Pet. 3, 4; Attach. C; Rec. 4). The proposed sewer extensions would be completed in the spring of 1980 at a cost of \$658,000.00 (Pet. 4, 5).

The Egyptian Health Department, which serves Gallatin, Saline and White Counties has conducted a complete and comprehensive survey of the individual private sewage disposal systems in Eldorado August 14 - September 7, 1978, which concludes that the only solution to the problems existing with the failing private systems is the installation of a community sewer system in the unsewered areas. The survey states that the soils and the high water table, coupled with the small average lot size (50' x 125') are not conducive to the installation and proper operation of septic tanks. Robert J. Burns, Director of Environmental Health for the Egyptian Health Department states that it is of utmost importance to the health and safety of the residents that immediate consideration be given toward the construction of a community collection and disposal system at the earliest possible date (Pet. Attachment D). The Agency states that the proposed sanitary sewer extensions will introduce approximately 47,000 gallons per day of raw or inadequately treated sewage into the City system which would otherwise reach the receiving stream by way of storm drainage ditches or pond in low-lying areas creating unwarranted health hazards (Rec. 4).

The Board finds that the grant of a variance in this instance is necessary to alleviate an objectionable nuisance situation and a potentially serious threat to the public health. It would not appear from the facts presented that any additional environmental harm will result from an increase in flow to the existing treatment facilities for a short period prior to the completion of new treatment facilities. The Board will dismiss the petition for relief from Sections 12 and 39 of the Act since a variance from Rule 962(a) provides sufficient relief to allow issuance of the construction and operation permits necessary for the sewer extension projects. Collection systems are no longer eligible for grant funding under the Clean Water Act, and because there is no assurance of the availability of HUD grants for such purposes in the future, it would be unreasonable to defer construction of these collection systems until completion of the upgrading of the treatment facilities, particularly in view of the short interval between the completion dates of the sewer extensions and the treatment facilities and the present public health considerations.

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

ORDER

1. The City of Eldorado is hereby granted a variance until February 15, 1984, from Rule 962(a) of Chapter 3: Water Pollution, of the Pollution Control Board Rules and Regulations, to allow the issuance of construction and operation permits for sewer extensions and connection to serve existing residences in the areas described as College Hills and Parrish Addition within the City of Eldorado.

2. The Petition for Variance from Sections 12 and 39 of the Environmental Protection Act is hereby dismissed.

3. The City of Eldorado shall promptly apply to the Environmental Protection Agency for all necessary permits to initiate construction of any sewer extension or connection.

4. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The forty-five day period herein shall be suspended during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 78-280, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

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 15th day of March, 1979, by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board