

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1981

CITY OF EAST PEORIA,)	
A Municipal Corporation,)	
)	
Petitioner,)	
)	
v.)	PCB 81-36
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
Respondent.)	

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

On March 5, 1981 the City of East Peoria (City) filed a petition for variance from Rules 501(c) and 602(b) of Chapter 3: Water Pollution as they relate to seven lift stations and seven manholes tributary to its wastewater treatment plant #1 (WWTP#1) and two manholes tributary to its wastewater treatment plant #2 (WWTP#2). On April 15, 1981 the Illinois Environmental Protection Agency (Agency) filed its recommendation to grant the variance request, subject to conditions. That recommendation was filed ten days late and was accompanied by a motion to allow the late filing. That motion is hereby granted. Hearing was waived and none was held.

The City requests variance to allow it to bypass sewage flows from numerous lift stations and manholes in the event of excessive flows due to wet weather or failures of the lift station pumps, and to abstain from monitoring such flows. This relief is essentially an extension of a variance granted in PCB 79-224 (February 21, 1980; 37 PCB 407).

The City's sanitary sewer system is subject to severe infiltration and inflow during wet weather. This has caused problems with basement backups. Manholes 27, 30, 41, Mabee Avenue and Cracklewood Court are equipped with high-level overflows, while manholes 44 and 64 are pumped by City personnel. All of these manholes are on the sewer system tributary to Plant #1. Discharge from manholes 27 and 30 is to Cole Creek, discharge from manholes 41 and 44 is to Dry Run Creek, discharge from Mabee Avenue and Cracklewood Court is to Kerfoot Creek, and discharge from manhole 64 is to an unnamed ditch. Each of these streams is tributary to Farm Creek, which is in turn tributary to the Illinois River. The Twin Oaks Court and Crestarms Court high-level manhole overflows are on the sewer system tributary to Plant #2. Both overflows discharge to Ackerman Creek, which is tributary to Farm Creek.

There are a total of twelve lift stations tributary to Plant #1, and two lift stations tributary to Plant #2. Seven of the twelve lift stations tributary to Plant #1 have a high-level overflow. Discharges from these lift stations are to Kerfoot Creek. None of the lift stations tributary to Plant #2 are equipped with a high-level overflow.

The City was issued NPDES Permit No. IL0028576 for Plant #1 on October 21, 1977, with an expiration date of March 1, 1979. This permit allows discharges from six of the seven lift stations which are the subject of this variance request (the Pebble Court Lift Station is the exception), subject to the condition that these by-passes are monitored daily, when discharging, by grab samples for BOD, suspended solids, and fecal coliform. The seven manhole overflows are not permitted.

The City was issued NPDES Permit No. IL0046205 for Plant #2 on June 22, 1977, with an expiration date of September 30, 1981. The two manhole overflows are not permitted.

The City is currently conducting a Sewer System Evaluation Survey as part of its construction grants program. Its priority number is 862. Therefore, the City should be eligible for Step II funds, but not immediately for Step III. Current problems will not be solved until all construction is completed. The City alleges that this should take 23 months after receiving Step II funding.

Total costs for improvements is estimated at \$2.5 million. The City does not have the financial capacity to fund the project without state or federal assistance. Also, the locations of several of the overflow points (into ravines or storm sewers) makes it nearly impossible to monitor all such overflows. Further, given that the pollutants are released at a time of high dilution, the environmental impact is slight. Therefore, the Board finds that denial of the variance would result in an arbitrary and unreasonable hardship.

The variance granted in PCB 79-224 was conditioned upon the City studying the feasibility of installing visual alarm lights on lift stations and securing a portable source of emergency power for the lift stations. Since the City has begun installation of such alarms and will allegedly complete such installation by the fall of 1981, the variance herein shall be conditioned upon completing such installation. The portable source of emergency power is now available. The City shall continue to operate its plants in a manner consistent with the settlement of the enforcement action against it (PCB 78-263; March 5, 1981).

Finally, the variance will be granted for a period of two years. While the City has not requested any specific length of time, completion of construction should take 23 months. The Board notes that the Agency has recommended that the variance be limited to one year and that the Tazewell

County Health Department has indicated that "every effort should be made to see that these health threats are corrected at an early date." The Board agrees. However, there has been no allegation that the City has been dilatory in its pursuit of funding or that the 23-month timetable is unrealistic. There appears to be little to be gained by requiring the City to come before the Board one year from now to ask for another variance.

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

ORDER

The City of East Peoria is hereby granted a variance from Rules 501(c) and 602(b) for a period of two years until May 14, 1983, subject to the following conditions:

1. the City shall operate and maintain its lift stations and manholes so as to minimize any possible overflows or pump failures.
2. The City shall install a high-level alarm system at each of its lift stations by November 1, 1981.
3. Within 45 days of the adoption of this Order, the City of East Peoria shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 81-36 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

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 14th day of February, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board