

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

CITY OF ASSUMPTION,)
)
 Petitioner,)
)
 v.) PCB 80-223
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On December 8, 1980, the City of Assumption filed a Petition for Variance from the limitation on new sewer connections to allow the connection of a 16 unit, single bedroom, federally financed apartment complex for the elderly to the Assumption sewer system. Though unspecified, the Board construes the petition to be requesting variance from Rule 962(a) of Chapter 3 of the Board's Regulations: Water Pollution. The Illinois Environmental Protection Agency (Agency) filed a recommendation to deny the petition on January 16, 1981 along with a motion to file it instanter. That motion is hereby granted. Hearing was waived and none was held.

Assumption owns and operates a treatment plant consisting of a two-cell waste stabilization pond. The plant was designed to receive and treat 0.18 million gallons per day (MGD) with an organic population equal to 1,800 population equivalent (P.E.). Discharge from the treatment plant is to Big George Creek, tributary to Flat Branch, tributary to the Sangamon River.

The treatment plant was placed on restricted status on June 19, 1974, due to hydraulic overloading since the average flow was found to be 0.75 MGD. Assumption is currently under step 2 of the Construction Grants Program. While the Agency alleges that Assumption has fallen behind the project schedule, it does recognize that progress is continuing and does not refute Assumption's allegation that the work will be completed on schedule (July, 1982).

Assumption's sewer system is a combined system including connections to street, basement and roof drains. An 18-inch and a 15-inch drainage field tile which collect run-off from adjacent farms are also connected to the system and add 0.125 MGD of inflow. As part of the sewage system upgrading, these field tile will be disconnected, but no timetable is given for disconnection.

While Assumption alleges minimal environmental impact based upon the small additional load (20-30 P.E.), the Board does not favor allowing any additional load in cases where basement flooding occurs. The Agency cites an Infiltration/ Inflow study which indicates that "basement flooding is a widespread and frequent occurrence in Assumption." The proposed development is near the middle of the affected area. This problem forms the basis for the Agency's recommendation of denial.

The Board agrees that the variance must be denied at this time. While a loss of federal funding for the project to the extent of \$558,850 is alleged as an arbitrary and unreasonable hardship, the record is unclear as to whether these funds would be lost if the project were to be delayed until completion of improvements to the sewer system. Further, it is unclear whether the proposed improvements will remedy the problem of basement flooding. The Board cannot even determine from the record whether construction of the housing project has commenced. While an attachment to the petition indicates an anticipated commencement date of mid-July of 1980 and completion by March 1, 1981, there is no indication that construction has begun. A possible solution might be the installation of sewage holding tanks at the housing project but nothing was presented on this topic.

For these reasons the Board finds that, based upon the present record, the adverse environmental impact of even a slight increase in sewer system loading in an area where "widespread and frequent" basement floods occur outweighs the speculative hardship. The petition for variance is, therefore, denied.

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

ORDER

The Petition for Variance filed by the City of Assumption as PCB 80-223 is hereby denied.

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 19th day of February, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board