

ILLINOIS POLLUTION CONTROL BOARD  
February 19, 1976

CITY OF CHICAGO, DEPARTMENT OF )  
PUBLIC WORKS, )  
                                  ) Petitioner, )  
                                  ) )  
                                  ) v. ) PCB 75-370  
                                  ) )  
                                  ) )  
ENVIRONMENTAL PROTECTION AGENCY, )  
                                  ) Respondent. )

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

This matter comes before the Board (Board) upon petition by the City of Chicago (City) for variance from Rule 602(c)(2) of Chapter 3 Water Pollution Regulations of Illinois (Regulations) in order to allow a construction of three new combined sewer outfalls into the Chicago River system.

On July 3, 1975, Petitioner filed applications with the Illinois Environmental Protection Agency (Agency) requesting a construction and operation permit for the following proposed outfalls structures: (a) Howard Street, to be located on the west bank of the North Branch of the Chicago River at Fargo Street, Chicago, Illinois; (b) Berwyn Avenue, to be located on the west bank of the North Shore Channel at Foster Avenue, Chicago, Illinois; and (c) Birchwood Avenue, to be located on the east bank of the North Shore Channel at Howard Street, Skokie, Illinois. The Agency subsequently denied the permit applications citing Rule 602(c) and suggested that the City obtain a variance from the Board.

The three proposed outfalls will serve as outlets of combined sewer overflows into the named and waterways from the drainage areas served. All dry weather flows will be transported to the Metropolitan Sanitary District of Greater Chicago (MSD) at the Northside Sewage Treatment plant. In addition, the Howard Street sewer will convey minor storm rainfall to the plant. Discharge into the waterway will occur only during wet weather and will contain only combined sewage.

The existing hardship relates to the population served by the existing combined sewers. During heavy rain sewage backs up into area basements until such time as the sewers are able to deliver the sewage to the sewage system or to a waterway. The proposed new sewer

projects will divert excess flows from existing sewers and will convey combined sewage flow to the waterway sooner thus reducing basement flooding and minimizing personal property loss and potential health hazards. The problems involved with basement flooding are well known including: clean up problems; damage to operating equipment and personal property; bacterial hazard to health; and the danger of electrocution caused by inundated electrical appliances. The area has been subject to basement backups for at least twenty years.

The Agency, in recommending grant of the variance, points out that the combined sewage overflow problems will be corrected by completion of the Tunnel and Reservoir Project. The Berwyn and Birchwood outfalls are in an area already funded under the Tunnel and Reservoir Project, but the Howard Street sewer area has not yet been funded. In any event, it appears that the entire Tunnel and Reservoir Project system will not likely be functional before 1985.

The degraded condition of both the North Shore Channel and the North Branch of the Chicago River is well known to the Board. This degraded condition is due in large measure to the combined sewer overflow into these waterways. As pointed out by the Agency in their recommendation, degradation of Lake Michigan from these waterways is controlled by their reverse flow and is considered minimal due to the dilute nature of the discharge in the massive dilution in the lake itself during the infrequent times when the flow is into the lake.

Rule 602(a) prohibits the installation of new combined sewers which may cause violations of the applicable effluent standards. Rules 602(c) provides that combined sewer overflow shall be given sufficient treatment to prevent pollution. Therefore the Agency may not issue a permit, herein, unless and until the Board grants variance to allow the construction and operation of the subject sewer systems.

The Board finds the hardship imposed upon the area residents to be arbitrary and unreasonable considering the limited environmental consequences of relieving the sewer backup problem. In reaching this decision the Board has considered the following propositions: (1) The excessive flows from the existing inadequate sewers are already flowing into the waterways. The new sewer project will intercept these flows and will only convey it to the waterways sooner thus reducing basement flooding and minimizing personal property and potential health hazards. (2) The three outfalls are to serve as temporary outlets for storm water flows from the drainage areas they serve. Long range solution of the problem is contained in the Tunnel and Reservoir plan. It would be unreasonable to demand that the City prepare inline or on site storages for retention of combined flows for such a temporary system. (3) The three subject sewer systems will become part of the Tunnel and Reservoir system when that plan is completed.

Based upon the foregoing, the Board will grant the City of Chicago's Variance. This Opinion constitutes the Board's finding of fact and conclusion of law.

ORDER

It is the Order of the Pollution Control Board that the City of Chicago, Department of Public Works, be and hereby is granted variance from Rule 602(a) and Rule 602(c)(2) of Chapter 3 Water Pollution Regulations of Illinois to allow construction and operation of three new combined sewer outfalls into the Chicago River system as described herein. This Variance is granted until February 19, 1981, or until the outfalls can be incorporated into the Tunnel and Reservoir system, whichever first occurs.

IT IS SO ORDERED.

Mr. Zeitlin abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 19<sup>th</sup> day of February, 1976 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board