

ILLINOIS POLLUTION CONTROL BOARD
February 2, 1989

IN THE MATTER OF:)
)
JOINT PETITION OF THE CITY OF MORTON) PCB 85-212
AND THE ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY FOR EXCEPTION TO THE)
COMBINED SEWER OVERFLOW REGULATIONS)

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a Motion to Modify filed by the City of Morton ("Morton") on January 13, 1989. The Illinois Environmental Protection Agency ("Agency"), as Joint Petitioner, filed its concurrence with and plea for grant of the motion on January 23, 1989.

Joint Petitioners request a second change in the completion date specified in Condition 1(a) of the Board's May 9, 1986 Order in this matter ("Original Order"). In the Original Order Condition 1(a) read:

- a. The Village shall provide excess flow treatment at Plant 2 for all excess flows reaching the plant, consisting of primary treatment followed by chlorine contact, including flow measurement and sampling, by September 30, 1988.

Condition 1(a) was first modified by Board Order of May 5, 1988 ("Modified Order") in response to a request from Joint Petitioners. That modification extended the completion date to September 30, 1989.

Justification for this first modification was based on the need for time to obtain data upon which design of the facilities necessary to comply with Condition 1(a) could proceed. Joint Petitioners pointed out that Morton had completed separation of sewers tributary to Plant No. 2 well ahead of the October, 1991 deadline specified in Condition 1(c) of the Original Order. Separation of these sewers in turn resulted in fewer excess flow events at Plant No. 2 than had been earlier anticipated. In fact, no precipitation-related excess flow events at all occurred at Plant No. 2 during 1987, in contrast to the three or four events per year which had occurred prior to the upstream sewer separation (Modified Order at 1). Joint Petitioners therefore sought, and this Board granted, a one-year extension of the compliance date, with the extension intended to allow Morton time to obtain a better understanding of the new expected frequency and extent of excess flow events, and thereby to appropriately design the control facilities (Id.).

Justification for the instant request is identical to that presented in the prior request for modification. No excess flow events have occurred since issuance of the Modified Order, perhaps related to the drought conditions of 1988. Morton therefore contends that it still has not been able to obtain the monitoring data necessary to allow final design of the Condition 1(a) control facilities. Morton further contends that choice among final design options could result in savings of \$150,000.

The Agency believes that allowing another year for monitoring would be appropriate. The Agency points out that the environment has suffered no harm from the delay in construction of the Condition 1(a) facilities, and that it is in the best interests of Morton and the State that environmental control funds be spent effectively and efficiently.

The Board hereby grants Morton's motion to modify the completion date contained within Condition 1(a), as specified in the Board's prior Orders in PCB 85-212 (May 9, 1986, and May 5, 1988), to September 30, 1990. This grant is subject to the condition that all other uncompleted requirements of the Board's prior Orders in this matter shall remain in full force and effect as issued.

IT IS SO ORDERED.

J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 5th day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board