

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1977

CITY OF CALUMET CITY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 76-318  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board on the variance petition filed on December 13, 1976, by Calumet City seeking relief from Rules 962, 602(a) and 602(d) of Chapter 3: Water Pollution Rules and Regulations. An Agency Recommendation favorable to the grant of the variance was filed on January 17, 1977.

Rule 602(a) prohibits the installation of new combined sewers unless sufficient retention or treatment capacity is provided to ensure that no violation of the effluent standards occurs. Rule 602(d) sets the compliance date for the treatment of combined sewer overflows and Rule 962 establishes the Standards for Issuance for permits.

Calumet City seeks this variance to permit the installation of a combined sewer system to serve a proposed subdivision which includes 396 single family dwelling units. The area is entirely surrounded by a combined sewer system that is serviced by and part of the Metropolitan Sanitary District of Greater Chicago (MSDGC). Because these combined sewers of the MSDGC overflow causing violations of the Board's effluent limitation to occur, the Agency is not authorized to issue the requisite permits for the project. While it would be permissible for the Petitioner to install a separate sanitary sewer in this area, the problem that confronts Petitioner is what to do with the storm water generated in this area. Petitioner states there are no creeks, streams, or waterways in the vicinity and the stormwater must therefore be discharged to the surrounding combined sewer system (Pet. 2). Because both the sanitary and stormwater flow will discharge to the same combined sewers, Petitioner alleges no useful purpose would be served by a separation. Petitioner estimates that the cost of a separation would be in excess of \$400,000.00 (Pet. 3).

The Agency's favorable Recommendation is based on the fact that the area is completely surrounded by a combined service area, that the environmental impact on the MSDGC's Calumet service area is small, and that ultimate compliance will be achieved by the construction of the MSDGC's Tunnel and Reservoir Project (Rec. 2.)

In view of the foregoing, the Board finds that Petitioner is entitled to relief from Rule 602(a) and the variance will be granted. The Board believes, however, that the variance grant from Rule 602(a) obviates the need for a variance from either Rule 962 or 602(d), and these requests will therefore be dismissed.

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

ORDER

1. Petitioner, Calumet City, is granted variance from Rule 602(a) to allow the construction of a combined sewer to the development more fully described in the Petition.

2. Petitioner's requests for variance from Rules 602(d) and 962 are hereby dismissed.

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 3RD day of February, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board