

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1976

VILLAGE OF SENECA, )  
)  
Petitioner, )  
)  
v. ) PCB 76-118  
)  
)  
ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Respondent. )

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

Petition for variance was filed by the Village of Seneca on April 27, 1976. The Petition requests a variance from Rule 962(a) of Chapter 3, Water Pollution Rules and Regulations of the Board, in order to connect 135 existing and unannexed dwelling units and 58 now-vacant lots to the sewer system.

On May 6, 1976 the Board requested additional information which was filed as an Amended Petition on June 1, 1976. On July 21, 1976 the Environmental Protection Agency filed its recommendation. No public hearing was held.

The Village of Seneca has an Imhoff-type primary treatment plant and chlorinates the effluent from it. The sewage treatment plant discharges into Rat Run Creek which has a 7-day-in-10-year low flow of zero and is a tributary to the Illinois River. The effluent requirements are 4 mg/l BOD<sub>5</sub> and 5 mg/l suspended solids.

The Village puts the present plant effluent at 65 mg/l BOD<sub>5</sub> and 52 mg/l suspended solids. Based upon the connection of 50% of the requested dwelling units, the new effluent concentrations are calculated to be 75.6 mg/l BOD<sub>5</sub> and 66.6 mg/l suspended solids.

Seneca asserts that it has a Fiscal Year 1976 priority of 231 and that its Infiltration-Inflow Analysis has been submitted to the Agency. This analysis has revealed a need for a sewer system evaluation survey to actually locate points

of excessive infiltration and inflow. The Village is said to be eliminating illegal downspout connections to the separate sanitary sewer system.

The hardship to the Village of Seneca is a loss of tax revenues and tax base if the variance is not granted. The new Commonwealth Edison Company nuclear generating station is being constructed in Brookfield Township a few miles south of the Village and is said to have a "direct economic impact". A restriction on growth could result in difficulty in raising the local portion of the funds required to become eligible for a 75% construction grant for the needed sewage plant. If the 340 persons (50% of the 680 total population involved) are not connected to the sewer system, some \$14,000 per year in tax losses will occur.

The Agency recommendation states that Seneca has had connection permits denied to it since 1967. It places the contaminant reduction to be achieved by the primary plant at 33% for BOD<sub>5</sub> and 50% for suspended solids compared to respective reductions of 66.7% and 60.9% claimed by the Village. From this the projected higher strength effluents listed above are said to be too low from the levels that will actually result.

The Infiltration-Inflow Analysis submitted to the Agency shows basement backups of two to eight hours in duration during a moderate rain. The sewer system evaluation mentioned above is expected in September with a facilities plan expected in October 1976. Plans and specifications are to be completed by April 1977.

The Agency recounts a long list of deficiencies in the operation of the existing sewage treatment plant. Influent (raw sewage) has been diverted to the sludge drying beds which overflow to the ground 50 feet from Rat Run Creek. Screenings are not being disposed of properly. The plant flow is not measured. No certified plant operator is employed. Operating reports are not being submitted and laboratory tests are not performed properly.

A biological survey of Rat Run Creek performed May 14, 1976 shows a "balanced" condition a mile upstream of the sewage plant discharge and an "unbalanced" condition 300 yards upstream as well as 0.3 mile downstream. At a 0.8 mile distance downstream the Creek was "semi-polluted". The "unbalanced" conditions are said to be due to stream channelization. Sludge-like deposits were found downstream presumably at the 0.3 mile station.

The Agency summarizes all the deficiencies in plant operation and the existence of basement backups and recommends that a variance not be granted.

We agree with the Agency and deny the variance without prejudice. The sewer system evaluation study is due in just a month and may uncover and correct large inflows that in turn might eliminate the existing basement backups. The Board is of the opinion that a petitioner ought to fulfill the requirements for good plant operation and maintenance before a variance is granted. Some showing of good faith is needed and has not been made to date.

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

ORDER

The Petition for Variance from Rule 962(a) of Chapter 3 is denied without prejudice.

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 5-11 day of August, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board