

ILLINOIS POLLUTION CONTROL BOARD
May 6, 1976

BLOOMINGTON AND NORMAL SANITARY)
DISTRICT,)
)
Petitioner,)
)
v.) PCB 76-52
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board on the amended variance petition filed April 1, 1976 by the Bloomington and Normal Sanitary District (District) seeking relief from Rule 602(d)(3) of the Board's Water Pollution Rules and Regulations (Rules). An Agency Recommendation was filed with the Board on April 19, 1976. No hearing was held in this matter.

Rule 602(d)(3) establishes a compliance date of December 31, 1975 for Rule 602(c), which requires in part that all combined sewer overflows shall be given sufficient treatment to prevent pollution or a violation of applicable water quality standards. The District's NPDES permit contains a schedule for bringing the combined sewer overflows into compliance and this schedule keys all dates and the final effluent limitations to dates after the award of a federal or state grant for the project. In the meantime, the District is required by the NPDES permit to maintain optimum operating efficiency and convey as much flow to its plant for treatment as possible.

The Bloomington and Normal Sanitary District is a municipal corporation which provides wastewater treatment for an area with a population of 65,000 people. The older portions of the District are served by combined sewer systems while the newer areas have separate sanitary and storm sewer systems. A system of nine interceptors collects sewage from these systems and transports it to the treatment plant, which has a maximum hydraulic capacity of 22 MGD. The average dry weather flow of the system to the treatment plant is approximately 9.55 MGD.

During periods of wet weather, overflows may occur at the location of the nine interceptors and a bypass may occur at the treatment plant. All overflows and bypasses discharge into Sugar Creek from which the District regularly takes grab samples to perform dissolved oxygen determinations. During 1975, the District alleges dissolved oxygen levels in Sugar Creek, during and after

rainfall periods when bypassing and overflows could have occurred, did not fall below 6.0 mg/l.

To meet the Board's regulations and the requirements of its NPDES permit for treatment of dry weather flows, the District has received a grant to upgrade the treatment plant. Some additional interceptor sewers will be constructed and the treatment plant bypass will be eliminated. This construction is estimated to cost \$11,900,000. Bids will be taken in June of 1976 and after construction is completed, full treatment will be given to a maximum flow of 32 MGD with primary treatment and disinfection given to an additional 42 MGD.

The District has also applied for grant funds to provide primary treatment and disinfection for a minimum of an additional ten times the average design flow. The Agency is now evaluating the application for the coming fiscal year and will announce the grant fund priority schedule shortly. Upon receipt of a grant offer for the preparation of a Step I Facilities Plan, a further analysis of the system will be made. A very preliminary study has indicated that a minimum of 18,000 lineal feet of 48-54" additional interceptors will be required to transport the overflows to new treatment centers to be constructed to treat the overflows. This overflow project is now estimated to cost \$9,000,000, and the District alleges an unreasonable hardship would be placed on its taxpayers if it were forced to proceed in advance of receiving any grant funds, since no reimbursement is permitted under the applicable Federal and State Grant Regulations if a project is initiated prior to receipt and acceptance of a grant offer.

The Agency has recognized the fact that many municipalities and sanitary districts throughout the State have not met and cannot presently meet the December 31, 1975 compliance date. On December 22, 1975, the Agency filed an Amended Petition for Regulatory Change (R75-15) with the Board specifically requesting that the date for complying with Rule 602(d)(3) be extended until July 1, 1977, provided a grant application had been filed before December 31, 1975. Although the Board has not taken final action on this proposal, the Agency submits that the District has established sufficient hardship to entitle it to a variance.

We are disposed to grant relief. The District will soon take bids on a construction project to greatly improve its treatment plant facilities and to eliminate the bypass which now occurs at the treatment plant. The District also plans to correct its combined sewer overflow problem, but is presently waiting for grant funds to proceed with the planning and construction. Because the District would be precluded from any reimbursement from grant funds if they were to proceed in advance of a grant award, we believe an unreasonable hardship would be placed on the District by requiring the massive capital outlays necessary for compliance without first allowing the District to obtain assistance from existing grant programs.

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

ORDER


1. The Bloomington and Normal Sanitary District is granted variance from the compliance date for combined sewer overflows as established by Rule 602(d)(3) of the Water Pollution Rules and Regulations. Such variance is granted until July 1, 1977, or such date as may be adopted by the Board in consideration of the Agency Regulatory Proposal (R75-15), whichever is later.

2. The District is required during this period to maintain optimum operating efficiency and convey as much combined sewer flow to its plant for treatment as is possible.

3. This variance will immediately terminate if the District is offered a grant during this period and the District does not respond with appropriate action to bring it into compliance.

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 6th day of May, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board