

to collect and provide some primary treatment for wastewater flows in excess of capacity, if it becomes necessary to bypass into Ditch "A" before the basin is cleaned to remove settled sludge, the fully treated effluent will pick up contaminants present in the basin and its quality will deteriorate between the plant and the River.

The proposed solution to this problem is to install a properly designed duplex pumping system with controls and to enlarge the existing wet well. A pre-application (No.C172310) has been submitted to the Federal Grants Program (current priority number is 937). Improvements are estimated to take 23 months after the federal grant is received.

The City has now installed an additional bypass so that the secondary effluent can be discharged directly into Ditch "A" and need not pass through the storm water basin during periods of effluent pump failure. It is for this purpose that the variance has been requested.

The City estimates the cost of upgrading the facility at over \$122,000. If it were required to do so with its own funds, it would suffer hardship to the extent of lost federal funding (75% of \$122,000 or \$91,500). Further, immediate upgrading of the pumping facility is impractical since "a premature pumping design might not be compatible with the total plan for plant improvement" (Second Amended Pet. p.2, para.6).

The City further states that the environmental impact of granting the variance will be small because the discharge will impact only 1800 feet of ditch which is presently permitted as a storm water bypass and may under certain conditions receive effluent more degraded than that which Petitioner now proposes to discharge to it. The land surrounding these ditches is a low, fill-type area zoned for industrial use, but is presently undeveloped and likely to remain so until the implementation of the improvements.

The Agency is does not contradict these statements.

While Board policy has been, and still is, to oppose the issuance of variances which are sought to relieve liability from possible, future emergency situations (see PCB 75-63 (December 18, 1975) and PCB 77-200 (August 4, 1977)), the facts of this particular case remove it from the normal class of "emergency variances." Here, the problem is recurrent, often of considerable duration and presently unavoidable. Further, the conditions of the Order below should result in a treatment program which will avoid the problem in the future.

The Board agrees that failure to provide the requested relief would impose an arbitrary and unreasonable hardship under these circumstances, and that any environmental damage

will be minimal. Therefore, the City will be granted a variance from Rule 404(c) for a period not to exceed 5 years and subject to the Agency-recommended conditions incorporated in the Order below.

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

ORDER

The City of East Peoria is hereby granted a variance from Rule 404(c) of Chapter 3: Water Pollution Rules and Regulations for a period to terminate upon grant-funded upgrading of the pump and wet well at its STP #1 facility, but in no event to exceed 5 years from the date of this order, subject to the following conditions:

1. Wet well bypasses shall be discharged to Ditch "A" and will not be passed through the storm water basin.
2. When secondary effluent is being discharged to the drainage ditch the point of discharge to the ditch shall be designated outfall 001A and shall be monitored 5 times per week by a composite sample. All NPDES permit requirements for outfall 001 shall apply to 001A including the reporting of monitoring results on DMRs and, in addition, the number of hours per month that effluent is discharged from outfall 001A shall be reported on DMRs.
3. Discharge to the ditch shall only be allowed when the wet well pump is inoperative.
4. The City shall maintain a spare parts inventory, operate and maintain the pump consistent with good engineering practices, and repair the pump as expeditiously as possible when it fails.
5. The Agency shall modify East Peoria's NPDES permit consistent with this Order.
6. The Petitioner shall submit within 45 days of the granting of this variance, a certificate of acceptance in the form below:

CERTIFICATION

The City of East Peoria (Petitioner), hereby accepts and agrees to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 80-27, dated August 7, 1980.

Petitioner

By _____, authorized agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of August, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board