

ILLINOIS POLLUTION CONTROL BOARD  
August 7, 1980

NORRIS CITY SANITARY DISTRICT AND )  
THE VILLAGE OF NORRIS CITY, )  
 )  
 ) Petitioners, )  
 )  
 ) v. ) PCB 80-91  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the petition of the Norris City Sanitary District (District) and the Village of Norris City (Village), filed April 28, 1980 and amended May 15, 1980, for variance from Rule 962(a) of Chapter 3: Water Pollution (Chapter 3). On June 12, 1980, the Environmental Protection Agency (Agency) filed its Recommendation that variance be denied, because of lack of information concerning the effect of granting the variance requested.

Petitioners filed no response to this Recommendation. However, in response to the Board's Interim Order of July 24, 1980 which had noted certain deficiencies in the record, Petitioners filed additional information in a second amended petition on August 4, 1980. As this petition involves the allocation of federal funds, and as expedited consideration has been requested, the Board will proceed to an evaluation of the merits of this action.

The Board received one written "objection" from a landowner who protested the fact that her farmland had been chosen as a possible site for the Village's proposed construction. As this "objection" did not go to the merits of the Village's variance request, no hearings have been held, as waivers were filed by both petitioners.

The Village of Norris City, population 1,466, is located in White County. The Village proposes to make additions to its existing water treatment facility. These consist of a backwash holding tank, pump and forcemain which the Village wishes to connect to the sanitary sewer system operated by the Norris City Sanitary District. The additional loading to the sewer system is anticipated to be a maximum of 10,000 gallons per day, with 200 gallons to be pumped per minute (Pet. 1).

Since June 15, 1977, the District's sewage treatment plant has been on restricted status. At the time the system was placed on restricted status, the treatment facilities were being operated with a tributary waste load of approximately 170% of the design

hydraulic capacity. The sewage collection system did not have the capacity to transport peak flow rates, causing overflows and back-ups during the wet season. As this restricted status prevents approval of the construction permit sought by the Village, petitioners seek variance from Rule 962(a) of Chapter 3.

The District has applied for and received Step 1 grant funding for construction of a new sewage treatment facility; Step 2 funding is being held up until receipt by the Agency of an archeological survey. Prior to this delay, completion of the new facility was anticipated to be November 1, 1981. Step 1, 2, and 3 funding has been received for rehabilitation of sewers and manholes. Completion of sewer rehabilitation work is anticipated for August, 1981. (Pet 2., Rec. 3).

Summaries of the Discharge Monitoring Reports from December, 1978 to October, 1979 show that the District received flows from May to October which ranged from 0.170 to 0.181 mgd, or 170,000 to 181,000 gallons per day. The plant's design capacity is 0.125 mgd or 125,000 gallons per day (Rec. 2). The backwash discharge could, therefore amount to 8% of the existing plant hydraulic design capacity.

The Agency recommended that this variance request be denied because petitioners had not explained how the discharge of backwash to the sewer system would affect the District's continuing overflow and basement backup problems. The Agency received a complaint in July, 1979 from 15 Norris City residents concerning this problem, and felt that before variance is granted petitioners must detail procedures which they will take to minimize the potential of further overflows and backups (Rec. 3).

Petitioners second amended petition explains that steps have been taken to deal with its problems. As the result of an Infiltration/Inflow Study, a storm sewer contributing 40,000 gallons per day to the sanitary sewer system was disconnected and routed to a drainage ditch. The District had also requested that individuals with downspouts, lateral leaks or open drains contributing to overflow problems take corrective measures. The District has advised the Board that it intends to enact an ordinance at its August, 1980 meeting requiring that these corrective measures be completed within 30 days (2d Am. Pet. 2).

Petitioners have continued to assert that the discharge from the proposed backwash system will have minimal effect on the District's sanitary sewer system. The most recent submittal explains that the Village's treatment facility operator, who has had many years of experience, will vary the discharge pumping pattern as various situations require, for example by pumping intermittently if overloading becomes evident, or by not pumping during wet weather and holding the backwash in the tank (2d Am. Pet. 1).

The Village explains that the only alternative to discharging its backwash to the District's sewer system would be to construct

a sand filter in addition to a holding tank, and to discharge the filtered backwash into an adjacent creek (which the Board presumes to be an unnamed tributary of Bear Creek which is tributary to the North Fork of the Saline River). This filter and tank system would cost \$55,000 as compared to the \$30,000 cost of the tank and sewer connection favored by the Village. The filter system would additionally impose greater maintenance, operation, and monitoring costs.

The Farmer's Home Administration (FHA) currently has approximately \$15,000 in contingency funds remaining from a recent waterline extension project for the Village, and it is willing to grant these funds to the Village for completion of the backwash discharge system from the water treatment facility. The Village states that installation of the sand filter, which would cost the Village \$40,000 (as opposed to \$15,000 "out of pocket" for the proposed project) "is beyond it's current financial capability and would require an increase in water usage rates" (amount unspecified) (Pet. 4).

The Board must note that, while petitioners have requested expedited consideration of their request since the FHA notified them that they were anxious to close their books on the project, petitioners only recently, on August 4th provided the Board with a complete and detailed record concerning their situation. Yet the Board finds that denial of variance relief here would constitute an arbitrary and unreasonable hardship. The environmental impact of allowing the backwash system to hook on to an admittedly overloaded system can be minimized. In addition, delay in making a decision can jeopardize the availability of the federal funds. Variance is granted, subject to the condition that the Village shall develop and submit to the Agency a schedule for the discharge of its backwash, especially under wet weather conditions.

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

#### ORDER

1. Petitioners, Norris City Sanitary District and the Village of Norris City, are hereby granted variance from Rule 962(a) of Chapter 3: Water Pollution subject to the following conditions:

Within 45 days of the date of this Order, Petitioners shall have developed and will submit to the Agency a schedule for discharge from its proposed backwash system, especially under wet weather conditions, to minimize the loading of the sanitary system. This schedule shall include an explanation of when the Village intends to refrain from pumping backwash, and when the Village intends to pump intermittently.

2. The District shall expeditiously pursue all steps necessary to obtain financing for improvements to its sewage treatment plant.

3. The Agency shall issue necessary permits consistent with the terms of this Order.

4. Within forty-five days of the date of this Order, Petitioners shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 80-51, dated \_\_\_\_\_, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
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 Order was adopted on the 7<sup>th</sup> day of August, 1980 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett Clerk  
Illinois Pollution Control Board