

ILLINOIS POLLUTION CONTROL BOARD
November 3, 1994

IN THE MATTER OF:)
)
PETITION OF THE CITY OF)
LASALLE FOR EXCEPTION TO THE)
COMBINED SEWER OVERFLOW) PCB 86-2
REGULATIONS) (CSO Exception)

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On March 1, 1991, the City of LaSalle (LaSalle) filed an amended petition for exception to the combined sewer overflow regulation (CSO) at 35 Ill. Adm. Code 306.305(a) and (b). On June 11, 1991, LaSalle filed a supplement to the amended petition. The Illinois Environmental Protection Agency (Agency) filed a response to the amended petition on May 31, 1991, and an update to that response on September 21, 1994. The Agency recommends that LaSalle be granted a conditional extension of the current temporary CSO exception to allow for proper instream monitoring.

For the reasons set forth below the Board will grant LaSalle an extension of the temporary CSO exception subject to conditions.

BACKGROUND

The City of LaSalle is located in LaSalle County along both sides of Illinois Route 351 from the north bank of the Illinois River to a point just south of Interstate Route 80. The Illinois River flows from east to west along the south boundary of the community.

On January 2, 1986, the Board received a request from LaSalle for a permanent exception to the CSO regulations and on January 9, 1986, the Board accepted that petition. A public hearing was held on July 21, 1986. Additional information was provided by LaSalle on August 21, 1986.¹ On April 1, 1987, the Board granted a temporary exception to LaSalle with conditions and retained jurisdiction over the proceeding. The April 1, 1987, opinion discusses in extensive detail the level of justification LaSalle was required to meet and finds that LaSalle met the level of justification. (April 1, 1987 O & O at 3; 77

¹For a more comprehensive review of the background of this proceeding refer to the Board's April 1, 1987, opinion and order (In the Matter of: Petition of the City of LaSalle for Exception to Combined Sewer Overflow Regulations, 77 PCB 21, PCB 86-2) which is hereby incorporated by reference in this opinion.

PCB 23.)² Further, the April 1, 1987, opinion details the compliance options and the cost effectiveness of each option. (April 1, 1987 O & O at 5-7.)

The April 1, 1987, opinion finds LaSalle had not justified a permanent exception, but had justified a temporary exception with conditions. The conditions required an amended petition be filed by March 1, 1990, as well as requiring LaSalle to construct and operate improvements to its wastewater collecting system, and continue monitoring.

On March 22, 1990, the Board extended until March 1, 1991, the deadline for the amended petition.

AMENDED PETITION

LaSalle maintains, in the amended petition, that the improvements have resulted in the elimination of all dry weather overflows. (Am. Pet at 7.) LaSalle points out that since the Board granted the temporary exception in 1987, LaSalle has constructed and is operating improvements to its wastewater collection system and treatment plant. (Am. Pet. at 5.) LaSalle points out that the improvements to the wastewater treatment plant increased the design average flow of the plant from 2.2 MGD to 3.3 MGD. (Exh. 1 at 14-16; Am. Pet. at 8.) Further, design maximum flow was decreased from 12 MGD to 9.1 MGD. (*Id.*)

Further, LaSalle states that the 11th Street Pump station and the M & H Outfall have been eliminated by installing a diversion structure near the location of the 11th Street Pump Station; routing all existing sewers which were tributary to the Pump Station through this structure, and abandoning the M & H Pipe in place. (Exh. 1 at 10-11; Am. Pet. at 7.) A 60" overflow pipe at the 11th Street overflow was also installed south of the old M & H Overflow pipe. (Exh. 1 at 10-11; Am. Pet. at 7.)

LaSalle also maintains that construction involving the Union Street interceptor, the Canal Street interceptor, the Creve Coeur Street Diversion structure, upgraded the system and decreased overflows. (Exh. 1 at 11; Am. Pet. at 7.)

To further reduce the possibility of overflows, LaSalle

² The April 1, 1987, Board opinion and order will be cited as "April 1, 1987 O & O at ___; 77 PCB ___"; LaSalle's amended petition of March 1, 1991 will be cited as "Am. Pet. at ___"; the "Report of Monitoring Program to Comply with Illinois Pollution Control Board Order" will be cited as "Exh. 1 at ___"; the Agency's response of May 31, 1991 will be cited as "Ag. Rec. at _
"

has implemented a policy that any major street repair will involve new storm sewers as well as adding a street sweeping program to remove debris before the debris can enter the sewer. (Am. Pet. at 6.) Finally, LaSalle states that its population has decreased by approximately 6.3% since the 1980 census and one large industrial user has been lost. (Am. Pet. at 5-6.) Further, a second industrial user has significantly upgraded its pre-treatment facility and a third is presently subject to a compliance plan to install a pre-treated facility. (Am. Pet. at 6.)

AGENCY RECOMMENDATION

The Agency has recommended that LaSalle not be granted a permanent CSO except at this time. Rather the Agency recommends that the current temporary exception be extended until December 1, 1995 with conditions. Those conditions are set forth in detail and adopted by the Board in this order. The conditions include elimination of all dry-weather overflows, additional design and construction improvements as well as further monitoring of the outfalls.

DISCUSSION

The Agency recommends against granting a permanent exception because of inconsistencies in the information received by the Agency. On January 15, 1991, the Agency received a draft CSO Operational and Maintenance Plan (Draft Plan) for LaSalle. In the Draft plan, incidents of dry weather overflows at Marquette Street (Outfall 004) and Fifth Street (Outfall 006) were mentioned. (Ag. Rec. at 1.) However, the Agency states that, in LaSalle's amended petition, LaSalle claims they have eliminated all dry-weather overflows (See Am. Pet. at 7) and, based on LaSalle's monitoring report, no monitoring occurred at these outfalls. (Ag. Rec. at 1-2.) The Agency also asserts that during a conversation with Ms. Pam Ochs of Giordano Engineering Associates, Inc., Dean Studer of the Agency's Planning Section was told that the Marquette Street (004) and Fifth Street (006) CSO's were not being monitored. (Ag. Rec. at 2; See IEPA Exhibit No. 3.)

In addition to this inconsistency in LaSalle's documents, the Agency asserts that, Mr. Jack Adam of the Agency's Rockford Regional Office witnessed dry-weather overflows at the Marquette Street CSO (004) during a routine annual inspection on December 5, 1990, and he has been informed several times of dry-weather overflows occurring at the Fifth Street CSO (006) during 1990. (Ag. Rec. at 1; IEPA Exh. No. 2.) The Agency argues that despite evidence that neither the Marquette Street (004) nor the Fifth Street (006) CSO's were monitored, Table 1.2 in Exhibit 1 provided by LaSalle contains Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) data allegedly collected from the

Marquette Street (004) and the Fifth Street (006) CSO's during 1990. (Ag. Rec. at 1; Exh. 1 at 3.)

The Agency argues that regardless of when or how the Fifth Street (006) CSO data was obtained, an average BOD of 260 milligrams per liter (mg/l) and an average TSS of 956 mg/l are consistent with levels expected for dry-weather overflows and are extremely disturbing to the Agency. (*Id.*) According to the Agency the discharge goes into the Little Vermilion River which has a 7Q10 flow (average seven day low flow rate likely to reoccur once every ten years) of zero. (*Id.*) Such a high BOD and TSS concentration is likely to exceed the assimilative capacity of the river. (*Id.*)

The Agency also points out that since the Board ruled on LaSalle's original CSO petition, the Agency has requested that an outfall located at Union Street (006A) be added as a monitoring point. However, the figures provided in Exhibit 1 for the flow and frequency reductions, do not reflect the total volume and events due to the addition of this outfall. (See Exh. 1 at 29; Ag. Rec. at 2.) Also, omitted from Table 4.1, is data pertaining to CSOs 004 and 006. (See Exh. 1 at 29.)

CONCLUSION

The Board shares the Agency's concern that the amended petition lacks sufficient information to grant a permanent exception. Although LaSalle has completed the upgrade to its system (Exh. 1 at 11; Am. Pet. at 7) there are some areas where dry-weather overflows may be occurring. LaSalle maintains that dry-weather overflows have been eliminated at certain outfalls. (Am. Pet. at 7.) However, the Agency has reported some evidence that the overflows continue. (Ag. Rec. at 1.) Also, the Agency suggests that the monitoring data from some outfalls was not collected. (Ag. Rec. at 1.)

The Board is particularly concerned in that LaSalle was offered an opportunity to update the information before the Board in June of this year. LaSalle choose not to file any further information with the Board. The Board finds that LaSalle has failed to provide necessary data to allow the Board to determine what impact the requested exception will have on the environment. Therefore, the Board will not grant a permanent CSO exception at this time. Instead, the Board will accept the Agency's recommendation and extend the temporary exception with certain conditions.

The Board notes that LaSalle has been operating with a temporary CSO exception since 1987. The temporary CSO exception was granted to allow LaSalle the time necessary to make changes in the LaSalle waste water collection and treatment system so

that a permanent CSO exception could be granted. As is indicated by this opinion, LaSalle has not fulfilled all the necessary requirements for a permanent CSO exception despite several years of effort. The Board will not be inclined to extend this temporary exception beyond 1995, unless LaSalle can show good cause for doing so.

ORDER

The Board will grant an extension of the temporary exception to the combined sewer overflow regulations at 35 Ill. Adm. Code 306.305(a) and (b) subject to the following conditions:

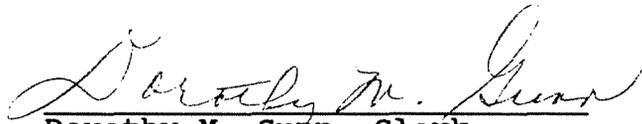
1. LaSalle shall eliminate all dry-weather overflows.
2. Except as provided in Paragraph 3 of this Order, the City of LaSalle is granted a temporary exception until December 1, 1995 from 35 Ill. Adm. Code 306.305(a) regarding the first flush of storm flows and from 35 Ill. Adm. Code 306.305(b).
3. If, on or before September 1, 1995, the City of LaSalle fails to submit an amended petition for exception, this temporary exception will terminate on September 1, 1995.
4. LaSalle shall provide any raw data it has with respect to monitoring Outfalls 003, 004, 006, 006A and 007.
5. LaSalle shall repair Outfall 006, prior to performing stream inspections, so the flow can properly enter the Little Vermilion River.
6. During this temporary exception period the City of LaSalle, in consultation with the Agency, shall:
 - a. Design and construct improvements at CSOs 006 and 004 (5th Street and Marquette Street) to permanently eliminate the dry weather overflows at these locations by March 1, 1995.
 - b. Complete a Phase II report as outlined in 35 Ill. Adm. Code 375.203 and submit to the Agency by May 15, 1995. Such stream inspections shall be conducted during one "high" water condition and at least one "low" water condition. Inspections should be conducted shortly after CSO events;
 - c. Complete and submit to the Agency a Plan of Study (POS) for a Phase III Evaluation at each CSO location by December 1, 1994. Such report may be limited to the requirements of 35 Ill. Adm. Code 375.204, subsections (a) and (b), but shall

include diurnal sampling for dissolved oxygen at appropriate locations on the Little Vermilion River and the I & M Canal during the months of June, July, and August, 1992. As part of the Phase III report sampling at CSO 007 (Eleventh Street) shall be performed for heavy metals and total hardness. Should the presence of heavy metals be affirmed, then upstream and downstream sampling for heavy metals and total hardness shall be conducted within 24 hours of an overflow event at CSO 007. Comments will follow the Agency's review of the POS and are to be incorporated into the Phase III work;

- d. There shall be no expansion of the service area tributary to the combined sewers except for residential hookups that do not exceed 15 population equivalents as defined in 35 Ill. Adm. Code 301.345, unless authorized by the Board upon a petition for modification of this order;
 - e. The City shall continue its monitoring of the combined sewer overflows on a weekly basis and after every major rainfall and make written reports thereon and take corrective actions as necessary. In addition, the City shall monitor the proposed "emergency" outfall on a weekly basis and after every major rainfall and prepare written reports thereon to determine whether the outfall is in fact used on an emergency basis;
 - f. This grant of exception does not preclude the Agency from exercising its authority to require as a permit condition a CSO monitoring program sufficient to assess compliance with this exception and any other Board regulations and other controls, if needed, for compliance, including compliance with water quality standards;
 - g. This grant of exception is not to be construed as affecting the enforceability of any provisions of this exception, other Board regulations, or the Environmental Protection Act;
7. The conditional extension of the current CSO Exception shall terminate automatically if LaSalle does not adhere to the deadlines detailed in the Board's order in this matter.
8. The Board will retain jurisdiction in this matter.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 3rd day of November, 1994, by a vote of 6-0.


Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board