

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1992

CITY OF OGLESBY,)
)
 Petitioner,)
)
 v.) PCB 86-3
) (CSO Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on the February 4, 1991 filing of a second amended petition by the City of Oglesby ("Oglesby") for exception to 35 Ill. Adm. Code 306.305(a) and (b) of the Board's combined sewer overflow ("CSO") regulations. In support of its petition, Oglesby submitted Report of Monitoring Program to Comply with Illinois Pollution Control Board Order No. 86-3, February 5th, 1987, (September, 1990) as well as a supplement to the report which was dated January, 1991.¹ The Illinois Environmental Protection Agency ("Agency") filed its response to Oglesby's petition on December 13, 1991. (Amended Pet. Exs. B and C). The Agency recommends that the Board grant Oglesby's request for an exception from 35 Ill. Adm. Code 306.305(a) as it relates to first flush storm flows, and to 35 Ill. Adm. Code 306.305(b), subject to conditions.

PROCEDURAL HISTORY

On January 2, 1986, Oglesby filed a petition for exception to 35 Ill. Adm. Code 306.305(a) and (b) of the Board's CSO regulations. On February 5, 1987, the Board granted the City of Oglesby ("Oglesby") a temporary exception from 35 Ill. Adm. Code 306.305(a) and (b) of the Board's combined sewer overflow ("CSO") regulations. Condition 2 of the February 5, 1987 Order specified that the temporary exception would terminate on March 1, 1990, if Oglesby did not submit an amended petition for permanent exception on or before that date. The Board also required that Oglesby 1) eliminate all ponding below CSO outfalls 0-1, 0-2, and 0-3 or justify continued ponding (Condition 3(c)), 2) continue its street sweeping program and proposed program of reducing infiltration and inflow, inspection of diversion chambers, and construction of storm sewers (Condition 3(d)); and 3) on a biannual basis perform the inspections specified in 35 Ill. Adm.

¹For a more detailed review of the background of this case, please refer to the Board's original February 5, 1987 Opinion and Order as well as the October 15, 1987, and November 29, 1990 Orders, which are hereby incorporated by reference.

Code 306.361(a) and further measure and test the overflow events at CSO 0-1, 0-2, and 0-3 to determine their frequency, extent and quality (Condition 3(e)). Because Oglesby did not submit an amended petition by the March 1, 1990 deadline, the Board relinquished its jurisdiction in the matter and closed the docket on June 7, 1990.

In response to the Board's June 7, 1990 Opinion and Order, Oglesby filed a Motion for Reconsideration and an Amended Petition on June 29, 1990. In the Motion for Reconsideration and accompanying Amended Petition, Oglesby requested the Board to reconsider its June 7, 1990 order, enter an order retaining jurisdiction, and extend its temporary exception from 35 Ill. Adm. Code 306.305(a) and (b) for nine months (i.e. until March 1, 1991), so that it could complete its inspections and monitoring and file a second amended petition for a permanent CSO exception pursuant to Condition 2 of the Board's February 5, 1987 Order. Oglesby also filed its Monitoring Program Report covering overflow events in June, July, and August, 1990 (Exhibit B).

On November 29, 1990, the Board vacated its June 7, 1990 Order that had we relinquished jurisdiction in this matter, and granted Oglesby a temporary exception, until February 3, 1991, from 35 Ill. Adm. Code 306.305(a) and from 35 Ill. Adm. Code 306.305(b). The Board also required that Oglesby 1) inspect the ravines blow all outfalls for ponding at least once and, with the exception of CSO 0-4, eliminate all ponding or justify in its amended petition that elimination is technically infeasible or economically unreasonable (Condition 3(c)); 2) inspect below the outfalls at least once for unnatural bottom deposits, odors, unnatural floating material or color, stream morphology, and results of limited stream chemical analysis; and 3) measure that test overflows at CSO outfalls 01, 02, and 03 (condition 3(e)). In making this ruling we assumed that the Agency agreed to Oglesby's monitoring program and that the Agency would be reviewing Oglesby's data during the extension. We asked the Agency to notify us within 30 days, via a Motion for Reconsideration, if this understanding is incorrect. If, on the other hand, the Agency did agree to the monitoring program, we asked it notify the Board if the date by which it will complete its review of the data was not compatible with the November 29, 1990 Order. As previously stated, the Agency filed its response on December 13, 1991.

BACKGROUND

At the June 20, 1986 hearing in this matter, the Agency expressed several concerns with regard to Oglesby's planned improvements to its sewerage system. The Agency's concerns included the following:

1. treatment plant hydraulic capacities upon the addition

of one primary clarifier and one final clarifier and the upgrading of the trickling filter at Oglesby's waste water treatment plant;

2. the potential effects on overflows by an expansion of an area located to the west of the City near the intersection of Interstate Highway 39 and Oglesby Spur Road;
3. lack of documentation to support Oglesby's claim that CSO 0-5 is a tributary to a combined sewer area;
4. the separation of storm water from sanitary sewage in the remaining combined areas of the Oglesby; and
5. localized impacts, including aesthetic problems, at CSOs 0-1, 0-2, 0-3, and 0-3A.

(June 20, 1986 transcript pp. 123-125).

The Board was also concerned with granting Oglesby a permanent exception. Accordingly, as previously summarized in part, when the Board issued its Opinion and Order in this matter on February 5, 1987, it granted a temporary exception and required Oglesby to comply with the following conditions:

1. comply with the provisions of 35 Ill. Adm. Code 306.361(b) and (c) or justify the inapplicability of the required evaluations (Condition 3(a));
2. unless authorized by the Board, forego expansion of the service area tributary to the combined sewers except for residential hookups that do not exceed 15 population equivalents (Condition 3(b))²;
3. eliminate all ponding below CSO 0-1, 0-2, and 0-3 or justify the continued ponding (Condition 3(c));
4. continue the street sweeping program and proposed program of reducing infiltration and inflow, inspection of diversion chambers, and construction of storm sewers (Condition 3(d)); and

²On October 15, 1987, the Board modified this condition and granted authorization to Oglesby to seek, and the Agency to issue permits for, additional connections to existing sewers which serve the area located near the intersection of Interstate Highway 39 and Oglesby Spur Road, subject to certain conditions. (see City of Oglesby v. IEPA, PCB 86-3, p. 4, 82 PCB 246 (October 15, 1987)).

5. on a biannual basis, perform the inspections specified in 35 Ill. Adm. Code 306.361(a) and further measure and test the overflow events at CSO 0-1, 0-2, and 0-3 to determine their frequency, extent and quality (Condition 3(e)).

Since the Board's February 5, 1987 Board Order, and in response to the Board's and Agency's concerns enunciated therein, Oglesby acquired financing by issuing \$1,800,000 in sewage revenue bonds for capital improvements to its sewage collection system and treatment plant that were outlined in its original CSO petition. (Amended Pet. par. 8, Ex. C). On May 13, 1988, Oglesby initiated construction of the improvements. (Amended Pet. par. 9). It completed such construction in January of 1990. (Amended Pet. par. 9).

In addition to the above improvements, Oglesby has taken the following action³:

1. spent \$180,000 to modify a lift station and to construct and install a forcemain directly from the lift-station to the sewage treatment plant at the western part of the Oglesby where most of Oglesby's growth is expected (Amended Pet. par. 10C, Ex. A par. 9B);
2. constructed a lift-station and forcemain to collect and process the sanitary sewage through its collection system and avoid a discharge of sanitary sewage through CSO 0-5 (Amended Pet. par. 12D);
3. installed storm sewers in every instance where it has constructed streets with combined sewers since June 20, 1986 (Amended Pet. pars. 10D, 12D, Ex. A par. 7);
4. constructed bar screens at ten diversion structures (Amended Pet. par. 11B, Ex. A par. 5);
5. accepted bids for its 1991 street construction projects wherein one-half mile of additional streets shall be reconstructed and storm sewers shall be installed to separate storm water and sanitary sewage along the streets (Amended Pet. pars. 10E, 12D);

³In addition to the construction, Oglesby states that two events have occurred since its original petition which have affected its sewerage system. First, a 10 percent decrease in population since 1980 has caused a reduction in the quantity of dry weather flow. (Amended Pet. par. 10A). Second, NSM, Inc. a large volume industrial user has ceased operations. (Amended Pet. par. 10B).

6. accepted \$129,000 in bids for the renovation of five lift stations, three of which have inadequate pumping capacity to pump excessive flow back into the sewage collection system and which thus, affect the amount of sewage directed to CSO 0-1 and two of which affect the amount of sewage directed to CSO 0-4 (Amended Pet. pars. 10F, 12E);
7. enacted an ordinance prohibiting the discharging of downspouts into sewers (Amended Pet. par. 12D); and
8. maintained its street sweeping program to remove debris from the streets before it enters the sewers, maintained its sewer cleaning program, continued its residential downspout inspection to prevent storm water from residential properties being deposited into the sewers, and continued its bar screen inspection program to clean the screens of trapped solid wastes (Amended Pet. pars. 10G-I, 12E, Ex. A pars. 5, 8); and
9. established a plan to alleviate ponding at CSO 0-2 by depositing rocks or rip-rap below the outfall during the Spring of 1991. (Amended Pet. pars. 11C, 12E).

As a result of the above improvements, all dry weather overflows at CSO 0-5 and 0-3A have been eliminated and sewage that was previously discharged is now collected and pumped through Oglesby's sewage treatment system. (Amended Pet. pars. 11A, 12E, Ex. A par. 9A). In addition, all sanitary sewage from the west end is pumped to Oglesby's treatment plant without infiltrating Oglesby's sanitary sewer tributaries. (Amended Pet. pars. 10C, 12B). The construction of the bar screens at the ten diversion structures has caused floatable solid wastes to remain and be processed through Oglesby's sewage collection system and treatment plant and thus, has eliminated floatable solids from being discharged from the remaining CSOs. (Amended Pet. pars. 11B, 12E, Ex. A par. 5). With the exception of CSO 0-4 at Oglesby's sewage treatment plant, only CSO 0-1, 0-2, and 0-3 remain. (Amended Pet. par. 11C, Ex. A par. 9C). Monitoring at these CSOs indicates that the discharge from the CSOs is clear and odorless, and that there is no sludge or other deposits present. (Amended Pet. par. 11C). The number of overflow events from CSO 0-1, 0-2, and 0-3 during July, August, November, and December 1990, were 15, 12, and 9, respectively. (Amended Pet. par. 11C). When interpolated on an annual basis, Oglesby projects the yearly average number of overflow events from CSO 0-1, 0-2, and 0-3, to be 36, 28, and 21, respectively. (Amended Pet. par. 11C).

In addition to the above, capacity for complete treatment of wastewater at Oglesby's sewage treatment plant has increased from .642 MGD to 1.2 MGD (approximately 100 percent). (Amended Pet.

par. 11D). The quality of effluent from the plant has also been improved to below NPDES permit requirement levels (i.e. 25 mg/l BOD-5 and 30 mg/l suspended solids). (Amended Pet. par. 11D). Specifically, the monthly average effluent concentrations of BODs has been reduced from 30+ mg/l to 11 mg/l and the monthly average effluent concentrations of TSS have been reduced from 30+ mg/l to 12 mg/l. (Amended Pet. par. 11D(1) and (2)).

REGULATORY FRAMEWORK

The Board's CSO regulations are contained in 35 Ill. Adm. Code 306. They were amended in R81-17, 51 PCB 383, March 24, 1983. Section 306.305 provides as follows:

Section 306.305 Treatment of Overflows and Bypasses

All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water standards unless an exception has been granted by the Board pursuant to Subpart D.

Sufficient treatment shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the applicable effluent standards; and
- b) Additional flows, as determined by the Agency but not less than ten times average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception granted pursuant to Subpart D.

While not necessarily quantified, the substantive provisions in the Subpart D exception procedures do express, cumulatively, the levels of justification required to support an exception to the rules of general applicability. For example, the 35 Ill. Adm. Code 305.350 states that Board decisions regarding exceptions from the CSO requirements of 35 Ill. Adm. Code 306.305 and 306.306 should be based on "...water quality effects, actual

and potential stream uses, and economic considerations including those of the discharger and those affected by the discharge." Moreover, 35 Ill. Adm. Code 306.362 states that the justification those petitioners who apply for a CSO exception, but do not file a joint petition with the Agency, shall be established pursuant to the higher levels of 35 Ill. Adm. Code 306.361(b), (c), and (d). While the deadline has passed for the filing of petitions pursuant to the procedural mechanisms in Subpart D, the justification requirements contained in the rule remain in effect pursuant, to Section 28.1 of the Act.⁴

ECONOMIC REASONABLENESS AND TECHNICAL FEASIBILITY

Oglesby asserts that it has achieved substantial compliance with 35 Ill. Adm. Code 306.305(a) and (b) as well as the Clean Water Act and that any remaining existing overflows from its combined sewage system constitutes minimal impact upon the water quality of the ravine streams and the Vermillion River. (Amended Pet. par. 13). It adds that more complete compliance will gradually be achieved if further street improvements including separation of the combined sewers occurs. (Amended Pet. par. 13). In addition, Oglesby states that full compliance with 35 Ill. Adm. Code 306.305(a) and (b) would cause substantial economic hardship. (Amended Pet. par. 13).

AGENCY RESPONSE

The Agency declined to be a joint petitioner in this case because inadequate time precluded an on-site visit and a thorough review of Oglesby's petition and supporting documentation prior to the petition being filed with the Board. (Agency Resp. par. 8). However, on May 7, 1991, the Agency did have the opportunity to inspect Oglesby's four CSO outfalls. (Agency Resp. par. 7). The Agency found that garbage had accumulated below CSO 0-1, but that the garbage did not appear to be of sanitary sewer origin. (Agency Resp. par. 7(1)). The Agency estimated that CSO 0-1 was discharging at a rate of 0.014 MGD. (Agency Resp. par. 7(1)). The Agency discovered a two-foot pool below CSO 0-2 and found that CSO 0-2 was discharging at a rate of 0.016 MGD, although the discharge was clear and there was no evidence of sludge or definite sewage odor. (Agency Resp. par. 7(2)). CSO 0-3 was not discharging on the date of the inspection and appeared to have

⁴The Board will evaluate Oglesby's petition for exception in light of the CSO regulations because it specifically retained jurisdiction in the matter. The Board would also evaluate the petition in light of the CSO regulations even if it had not retained jurisdiction in this matter. (See AS 90-1: In The Matter of: Petition Of The City of Jacksonville for Adjusted Standard from 35 Ill. Adm. Code Section 306.305(b) pp. 4-5, 114 PCB 140-41 (August 9, 1990))

been inactive for some time. (Agency Resp. par. 7(3)). Finally, the Agency observed that CSO 0-4 was discharging at a rate (including the STP effluent) of 0-65 MGD. (Agency Resp. par. 7(4)). In addition, the Agency found no sludge, odor, or garbage below the outfall. (Agency Resp. par. 7(4)).

Based on the above findings, the Agency concludes that Oglesby's CSOs are having a minimal discharge impact on the receiving streams. Although the Agency recommends that the Board grant Oglesby's petition for exception, it recommends that the Board impose conditions. Specifically, the Agency requests the following:

1. that Oglesby provide, pursuant to 35 Ill. Adm. Code 305.261(b), an evaluation of stream sediment analyses, biological surveys, and stream chemical analyses, or the justification, pursuant to 35 Ill. Adm. Code 306.361(d), as to why the information is inapplicable;
2. that Oglesby conduct additional sampling and monitoring to collect BOD, suspended solids and volatile solids concentration data at CSO 0-1, 0-2, 0-3, and 0-4 for an additional two years after the five lift stations have been renovated and the one-half mile of storm sewers have been constructed.⁵ (The Agency notes that although the Board granted Oglesby a temporary exception so that Oglesby would have two years to gather "post-full operation data", the activation points for CSO 0-1, 0-2, and 0-3 have been low, the activation point for CSO 0-4 has not been determined, and that the data gathered during abbreviated monitoring period of July to August 1990 needs to be supplemented);
3. that Oglesby provide recent economic or financial information (e.g., median household income and the current average sewer bill) and compare such information to the economic conditions and financial information in existence when Oglesby's original petition was filed; and
4. that Oglesby continue its sewer maintenance, street sweeping, and sewer downspout disconnection programs and provide the Agency with the details and schedules for the programs.

(Agency Resp. pars. 8-11).

⁵The Agency notes that this condition will require Oglesby to purchase event-actuated samplers and monitors for each of the four CSOs. (Agency Resp. par. 9).

CONSISTENCY WITH FEDERAL LAW

35 Ill. Adm. Code 306.305 implements Section 13 of the Illinois Environmental Protection Act ("Act"), ILL. REV. STAT. 1989, ch. 111½, par. 1013, and the Board's water quality standards that were developed pursuant to the federal Clean Water Act, 33 U.S.C. 1251 et seq. No corresponding federal regulation exists. Therefore, this proposal does not conflict with federal law. Moreover, federal regulations exempt discharges from CSO sewer systems from the federal treatment requirements. As a result, CSO treatment facilities are regulated by the states rather than the federal authorities.

BOARD DISCUSSION

The Board finds that Oglesby, via its amended petition, has responded to the concerns that were raised by both the Agency and the Board at the time of Oglesby's original petition. We note, however, that Oglesby's past responsiveness has left much to be desired. However, at this juncture, it would create an undue hardship on Oglesby and serve little, if any, environmental purpose, if we were to deny Oglesby's request for exception. Oglesby's wastewater treatment plant and combined sewer upgrades have already been installed, and the data thus far indicates that the upgrades are having the desired effect. A denial of Oglesby's request would only result in Oglesby having to pursue another compliance program (i.e. another design approach) in order to comply with 35 Ill. Adm. Code 306.305(a) and (b). Accordingly, the Board will grant Oglesby's request for a CSO exception.

However, the Board shares the Agency's concerns regarding the need for supplementation of certain data. Therefore, the Board will require that Oglesby, as a single petitioner, gather the additional data in 35 Ill. Adm. Code 306.361(b) unless Oglesby, pursuant to 35 Ill. Adm. Code 306.361(d), can provide a justification for its inapplicability. Even if this is an agreed minimal impact situation, the absence of the Agency as a co-petitioner triggers these provisions. (see Condition 8 of the accompanying Order). The Board will also require that Oglesby conduct additional sampling and monitoring to collect BOD, suspended solids, and volatile solids concentration data at each of its four CSO points for an additional two years after the five lift stations have been renovated and the one-half mile of storm sewers have been constructed. (see Conditions 6 and 7 of the accompanying Order).

If the above data does not support the assumptions underlying the Board's grant of exception herein, we caution Oglesby that it bears the responsibility to assure that this grant of exception is modified if it is necessary to avoid violation of it. In other words, this grant of exception does

not affect the enforceability of any other condition of the accompanying Order or any applicable statute or regulation. (see Condition 12 of the accompanying Order).

In addition, the Board will require Oglesby to continue its sewer maintenance, street sweeping, and sewer downspout disconnection programs, and provide the Agency with the details and schedules for the programs. (see Conditions 9 and 10 of the accompanying Order). However, the Board will not require Oglesby to submit updated economic information to the Agency because economic considerations are no longer an underlying basis for evaluation of Oglesby's cleanup. In other words, even if Oglesby's economic situation has deteriorated since our earlier grant of temporary exception, the basis for the current grant of permanent exception is not influenced by economic conditions but by technical and environmental considerations. If we misperceive the Agency's reasons for requesting the updated economic information, the Agency is free to file a motion for reconsideration.

Finally, in order to assure that Oglesby will progress with certain construction plans mentioned in its amended petition, the Board will require Oglesby to eliminate ponding at CSO 0-2 (see paragraphs 10E and 12E of Oglesby's amended petition), construct the one-half mile of additional streets with storm sewers (see paragraphs 10E and 12D of Oglesby's amended petition), and renovate the five lift stations referred to in paragraph 10F of its amended petition. (see Conditions 1, 2, 3, and 5 of the accompanying Order). The Board will also require Oglesby to continue to separate combined sewers by installing storm sewers whenever it constructs any streets in the future. (see Condition 4 of the accompanying Order).

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

ORDER

The City of Oglesby is granted a permanent exception from 35 Ill. Adm. Code 306.305(a) regarding first flush of storm flows and from 35 Ill. Adm. Code 306.305(b) subject to the following conditions:

1. The City of Oglesby shall eliminate all pooling below CSO 0-2.
2. The City of Oglesby shall construct approximately one-half mile of separate storm sewers along Hazen Avenue and Durant Street as described in paragraph 10E of its amended petition.
3. The City of Oglesby shall renovate the five lift

stations as described in paragraph 10F of its amended petition.

4. The City of Oglesby shall continue to separate combined sewers by installing storm sewers whenever it constructs any streets in the future.
5. The City of Oglesby shall commit to definite completion dates for the projects in conditions (1), (2) and (3) above.
6. The City of Oglesby shall submit an inspection, monitoring and sampling program plan to the Illinois Environmental Protection Agency for each of the four CSO outfalls no later than three months after this Order. This plan shall provide for the collection of BOD, suspended solids, and volatile solids concentration data for the four CSOs as well as simultaneous precipitation readings from a continuous recording rain gauge. The program shall be implemented no later than three months after the completion dates for the projects specified in Conditions 1, 2, and 3 above and shall continue for a period of two years. This program shall include any modification necessary at CSO 0-4 to allow monitoring and sampling, prior to the mixing of the CSO discharges with the sewage treatment plant effluent.
7. The City of Oglesby shall submit the results of the program outlined in Condition 6 above to the Illinois Environmental Protection Agency on an annual basis. The first report shall be due 14 months from the date of program initiation and shall include the first 12 months of data. The second report shall be due one year after the first report and shall include the second 12 months of data, as well as a recommendation as to whether further CSO improvements are warranted, and, if so, what those improvements should be.
8. The City of Oglesby shall comply with the provisions of 35 Ill. Adm. Code 306.361(b) by providing the Illinois Environmental Protection Agency with an evaluation of stream sediment analyses, biological surveys, and thorough stream chemical analyses unless, pursuant to subsection (d), Oglesby includes a justification to the Illinois Environmental Protection Agency for the inapplicability of the required evaluations.
9. The City of Oglesby shall continue its sewer maintenance, street sweeping, and sewer downspout disconnection programs.

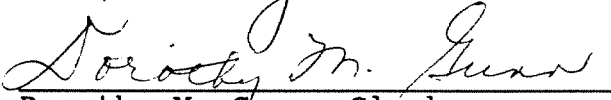
10. The City of Oglesby shall submit to the Illinois Environmental Protection Agency by July 1, 1992, a CSO operational and maintenance manual that shall, at a minimum:
 - a. describe the details of and the schedules for street sweeping and sewer maintenance;
 - b. detail the methods used and the schedule for the ongoing inspection of the sewer downspout disconnection program;
 - c. identify and implement a plan to eliminate hydraulic bottlenecks within the treatment facility;
 - d. identify the highest level of treatment possible for all wet weather flows;
 - e. reduce to the maximum practical extent storm water entry into the sewerage system; and
 - f. identify and utilize the hydraulic storage capacity of the sewerage system with eventual treatment of stored flow during wet weather.
11. This grant of exception does not preclude the Illinois Environmental Protection 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 with water quality standards.
12. This grant of exception is not to be construed as affecting the enforceability of any provisions to this exception, other Board regulations, the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111½ pars. 1001 et seq., the Clean Water Act, or any other applicable federal regulation.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111½ par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of February, 1992, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board