

ILLINOIS POLLUTION CONTROL BOARD  
May 17, 2001

IN THE MATTER OF: )  
)  
PETITION OF THE CITY OF SYCAMORE ) AS 01-5  
FOR AN ADJUSTED STANDARD FROM ) (Adjusted Standard - Water)  
35 ILL. ADM. CODE 304.121 AND 35 ILL. )  
ADM. CODE 306.305(b) )

ORDER OF THE BOARD (by N.J. Melas):

On September 25, 2000, the City of Sycamore (Sycamore) filed a petition for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act). 415 ILCS 5/28.1 (1998). Sycamore requests that the Board grant it an adjusted standard from 35 Ill. Adm. Code 304.121 and 306.305(b). Section 306.305(b) of the Board's regulations applies to Sycamore's treatment of effluent from its excess flow treatment facility (EFTF) that is part of its wastewater treatment plant (WWTP). Section 304.121 of the Board's regulations applies to bacteria in the effluent from its EFTF. The EFTF provides primary treatment only without disinfection.

Sycamore is located in DeKalb County, Illinois. The WWTP discharges into the Kishwaukee River. The WWTP includes an excess flow treatment facility (EFTF). The EFTF does not have disinfection. In applying for an adjusted standard, Sycamore seeks to avoid the requirement to install a disinfection system for the EFTF. Pet. at 1-3.

On November 2, 2000, the Board found several deficiencies in Sycamore's original petition. The petition did not adequately address certain proof required by Section 28.1(c) of the Act (415 ILCS 5/28.1(c) (1998)). The Board ordered that Sycamore file an amended petition for an adjusted standard and address the deficiencies in the amended petition. See In re Petition of City of Sycamore (November 2, 2000), AS 01-5. Sycamore filed its amended petition on March 6, 2001.

Although Sycamore addressed most of the deficiencies from the original petition in the amended petition, there were still two deficiencies that Sycamore did not address.

1. Sycamore did not address factors related to it that are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation applicable to Sycamore. Sycamore must address these factors. See 415 ILCS 5/28.1(c)(1) (1998).
2. Section 304.121(a) of the Board's regulations states that effluents discharged to all general use waters shall not exceed 400 fecal coliforms per 100 ml unless the Illinois Environmental Protection Agency (Agency) determines that an alternative effluent standard is applicable pursuant to Section 304.121(b). Section

304.121(b) of the Board's regulations states that the effluent must not cause downstream waters to exceed the applicable fecal coliform water quality standards at Sections 302.209 and 302.306 of the Board's regulations. Waters that cannot support primary contact uses are exempt from the water quality standard at Section 302.209. Section 302.306 of the Board's regulations provides the fecal coliform standards for public and food processing water supplies.

In its first amended petition, Sycamore stated that Kishwaukee River downstream of the WWTP (including a segment of the Kishwaukee downstream of the confluence with the East Branch and South Branch) cannot support primary contact use and thus is exempt from the water quality standards for fecal coliform at Sections 302.209 and 302.306 of the Board's regulations. Am. Pet. at 16-17. Sycamore attached its NPDES permit and claimed that the permit proved the exemption. Am. Pet at Exh. 4. The permit sets a fecal coliform limit for effluent from Sycamore's WWTP, but the permit does not prove that the Kishwaukee River downstream of the WWTP is exempt from the general use water quality standard for fecal coliform at Sections 302.209 and 302.206.

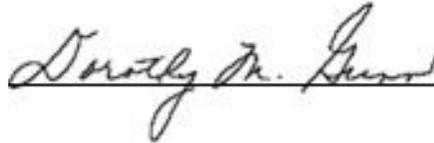
Sycamore must submit proof that the Kishwaukee River downstream from the Sycamore WWTP is exempt from the general use water quality standards for fecal coliform and the fecal coliform water quality standards for public and food processing water supply. See 35 Ill. Adm. Code 304.121(b)(1)(B). The proof must include an accurate description of the length of the segment of the Kishwaukee River that Sycamore claims is exempt from the fecal coliform standards.

Sycamore may submit Agency documents as proof of the exemption. If Sycamore cannot submit proof of the exemption from the Agency, then Sycamore must submit all of the following: Sycamore must indicate the average depth of the segment of the Kishwaukee that it claims is exempt. Sycamore must also indicate the presence of any pronounced deep pools there. Although Sycamore states that there are fences, brush, and fallen trees in the stream bed of the East Branch of the South Branch of the Kishwaukee (Am. Pet. at 6, 14), Sycamore must indicate if these obstacles prevent access or primary contact activities. Sycamore must also indicate the physical obstacles that prevent access downstream of the confluence of the East Branch and the South Branch in the exempt segment of the Kishwaukee. Sycamore describes the land use adjacent to the Kishwaukee downstream from the WWTP (Am. Pet. at 6, 14, 16-17). However, Sycamore must indicate how the land use discourages primary contact activities in the segment of the Kishwaukee that it claims is exempt. Finally, Sycamore must present fecal coliform die-off modeling from the point of its discharge to the end of the segment of the Kishwaukee that Sycamore claims is exempt. The modeling must account for contributions of additional downstream sources of fecal coliform.

The Board therefore directs petitioner to address Section 28.1(c)(1) of the Act and the fecal coliform exemption in an addendum to the first amended petition. The addendum must be filed with the Board by June 18, 2001, or this matter will be dismissed. The Agency shall file a recommendation in this matter within 30 days after the addendum is filed with the Board. See 35 Ill. Adm. Code 104.416(a).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of May 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board