

ILLINOIS POLLUTION CONTROL BOARD
May 13, 1982

IN THE MATTER OF:)
)
CITY OF ALTON CHAPTER 3) R82-7
SITE-SPECIFIC RULE PROPOSAL)

ORDER OF THE BOARD (by J. Anderson):

On April 15, 1982, the City of Alton filed a site-specific rulemaking proposal pursuant to Procedural Rule 203. In its proposal Alton requests

- a) a "limited exemption" from the effluent standards of Rules 403, 404, 405 and 408 of Chapter 3, as they relate to discharges from the Piazza-State Street sewer
- b) a "limited exemption" from the combined sewer overflow (CSO) requirements of Rule 602(a, c, d) of Chapter 3,
- c) and establishment of a new Chapter 3, Rule 404 effluent limitation of 20 mg/l BOD₅ and 25 mg/l suspended solids for its treatment works outfall sewer.

Procedural Rule 204 requires the Board to authorize a hearing on such a proposal unless it determines that "the proposal is plainly devoid of merit, or deals with a subject on which a hearing has been held within the preceding six months, or is not accompanied by an adequate statement of supporting reasons". This petition satisfies these minimal requirements. However, this petition is troublesome in certain respects.

It is indicated that the Piazza-State Street sewer problem would in large part be obviated by construction of a new Lock and Dam 26 by the Army Corps of Engineers, and that construction as well as improvements to the Alton sewer system necessitated by the Corps' dam construction "are tentatively scheduled for about 1986". This would appear to be, then, a short-term compliance problem susceptible to variance relief.

The revision of the BOD₅ and TSS limitations is requested because of the location of Alton's sewer outfall, which discharges into Wood River, downstream from a Corps low water channel dam. Alton states that its current NPDES permit provides for limits of 20/25, based on Agency assumption that discharge below the low water channel dam was equivalent to discharge to the Mississippi River. Upon application for a revised NPDES permit, Alton states that the Agency "has indicated that they may now require" a 10/12 limit, because discharge is not directly into the Mississippi.


The rule change proposal, then, is based on a permit decision which has not been, and may not be, made, and which could be, if made, adjudicated in a permit denial appeal.

Finally, the combined sewer overflow portion of the petition states environmental effect and economic impact conclusions which are sufficient to send the request to hearing, but the petition does not indicate that Alton has detailed studies and engineering testimony to present at hearing to support these conclusions, or that Alton has considered measures alternative to complete treatment which would achieve some or all of the goals of the existing rules' treatment requirements. (In its Initial Opinion in the pending R81-17 proceeding, the Board, in proposing an "exception procedure" as an alternative to site-specific rulemaking regarding CSO compliance problems, detailed some of problems of site-specific rulemakings concerning CSO treatment strategies. In addition, the Board reminds Alton that while a variance proceeding has a 90 day decision deadline, site specific rulemakings may take a year or more to come to decision, because of APA and economic impact and hearing requirements.) This petition, in short, does not indicate that Alton is prepared to address these concerns at hearing. It does, conversely, indicate that a request for variance relief might be appropriate to allow for compiling necessary information.

Alton is accordingly directed to review its petition and situation in light of this Order. Hearings will be scheduled upon receipt of a written affirmation of Alton's desire to proceed in this matter.

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 13th day of May, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board