

ILLINOIS POLLUTION CONTROL BOARD
June 30, 1983

CITY OF MENDOTA,)
)
 Petitioner,)
)
 v.) PCB 83-31
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a petition for variance filed March 10, 1983 by the City of Mendota (Mendota) requesting a variance from the provisions of 35 Ill. Adm. Code 306 which prohibit sanitary sewer overflows. On April 15, 1983 the Illinois Environmental Protection Agency (Agency) filed a recommendation that the variance be denied, but on May 20 amended this to recommend that it be granted with conditions. On May 25, 1983 Mendota filed a waiver of hearing previously requested. No hearing was held and the Board has received no public comment.

Mendota requested at different points in the petition a variance from Sections 306.102(b) and (c) and 306.103(b) and (c). The Agency recommendation construed this as a request for a variance from Section 306.103(b). This has been renumbered to Section 306.304 (7 Ill. Reg. 5682, effective April 19, 1983).

Mendota operates a sanitary sewer system which serves about 7000 persons. It discharges pursuant to NPDES Permit No. IL0223221. The main outfall and overflows discharge to Mendota Creek, which is tributary to the Little Vermilion River and the Illinois River. The overflows include three manholes and a lift station which were identified as outfalls 002, 003, 004 and 005 in the Permit.

In 1977 Mendota received a permit to upgrade the system to reduce infiltration and inflow and to eliminate sewage bypasses. On September 24, 1981 Mendota's Superintendent of Water and Sewers certified that the outfalls had been plugged. On November 17, 1982 the Agency received an anonymous letter complaining that one plug had been removed and that sewage had been discharged to the Creek. An inspection on December 28, 1982 revealed that the plug had been removed at each bypass. The

lift station and one manhole were discharging, and dried raw sewage debris was observed at a second manhole. Apparently the plugs were removed by Mendota's employees in response to complaints of basement backups.

Standard Condition 12(e) of the NPDES Permit requires that bypasses be reported within 24 hours. Mendota failed to report bypasses in December, 1982 and in April, 1983.

The Agency believes the excess inflow may be due in part from downspout connections in the downtown area. Mendota has enacted an ordinance prohibiting connections of sources of surface runoff or groundwater, and requiring repair or replacement of defective building sewers. Mendota has provided no information on enforcement of the ordinance or its efforts to eliminate these flows.

Recognizing the hardship on homeowners resulting from bypassing, the Agency now recommends: a 15 month variance conditioned on increased monitoring and reporting; a study to determine the elevation of the sewage resulting in bypasses; corrective action to prevent unnecessary bypasses; and, further capacity and infiltration and inflow studies.

The Board finds that it would impose arbitrary or unreasonable hardship on the residents of Mendota to require immediate elimination of the bypasses. The Board will grant a 15 month variance with conditions similar to those recommended by the Agency. This variance is not to be construed as having any retroactive effect.

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

ORDER

Petitioner, the City of Mendota, is granted a variance from 35 Ill. Adm. Code 306.304, subject to the following conditions:

1. This variance will expire on September 30, 1984.
2. This variance shall authorize bypasses from three manholes and one lift station which were identified as outfalls 002, 003, 004 and 005 in NPDES Permit No. IL-0023221.
3. Petitioner shall install and maintain in operable condition at its sewage treatment plant a device to

measure amounts of precipitation. Such amounts shall be monitored each day and recorded in writing.

4. Petitioner shall maintain a written record of all complaints received regarding backup of sewage into residences, including the complainant's name, address and the nature of the complaint.
5. Petitioner shall maintain a written record of all inspections for downspout connections and of all disconnections of such.
6. Petitioner shall monitor each bypass location once each day, and shall record the following information:
 - a. Time.
 - b. Weather conditions.
 - c. Daily volume of any discharge based upon an instantaneous rate.
 - d. Lab analysis results for five-day biochemical oxygen demand and total suspended solids from a grab sample taken of any discharges. Such sample need be taken only on the first day of any discharge event.
7. Prior to construction of a dam at each bypass, Petitioner shall record the following information each day:
 - a. Exact date and time of unplugging of each bypass.
 - b. Exact date and time of reinstallation of plug on each bypass.
 - c. Justification as to why the bypass had been unplugged.
8. On or before December 31, 1983, Petitioner shall determine the elevation of each bypass at which basement backups occur, and construct a dam (gravity overflow) at the bypass sufficiently below that level in order to eliminate basement backups without allowing unnecessary bypassing. Construction shall be pursuant to a construction permit issued by the Illinois Environmental Protection Agency which will specify the level of the dam.

9. On or before June 30, 1984, Petitioner shall complete and submit an engineering report regarding its sanitary sewer system and treatment plant. This report shall contain:
 - a. An evaluation of the sewer system maximum flow and sewage treatment plant maximum flow.
 - b. A determination of maximum treatment plant capacity.
 - c. A determination as to whether excess flow holding and/or treatment modifications are necessary.
 - d. Based upon subparagraph (b), an opinion of the necessity for rerating the sewage treatment plant.
 - e. A discussion of the specific deficiencies in the sanitary sewer system and a description of remedial work required.
10. Petitioner shall submit to the Illinois Environmental Protection Agency a monthly progress report detailing its progress in preparing the engineering report required by paragraph (8).
11. Monthly reports of the information required by paragraphs 3, 4, 5, 6, 7 and 10 shall be submitted to the Illinois Environmental Protection Agency attached to the discharge monitoring reports required by the NPDES Permit.
12. The final engineering report shall be submitted to the Illinois Environmental Protection Agency's Field Operations Section, Region I, 4302 North Main Street, Rockford, Illinois 61103.
13. Within forty-five days of the date of this Order, Petitioner 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 and fully understanding the Order in PCB 83-31, hereby accept that Order and agree to be bound by all of its terms and conditions.

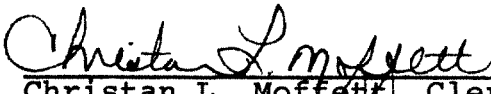
SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 30th day of June, 1983 by a vote of 40.


Christan L. Moffett, Clerk
Illinois Pollution Control Board