

Woodlawn Lift Station	unnamed ditches	
Field Grove Lift Station	tributary to	
Lincoln Parkway Lift Station	Dry Run Creek	
Alice Street Lift Station		
Brentwood Lift Station		
Maria Street Lift Station		
Pebble Court Lift Station		
Crawford Street & Railroad		
Alley-Manhole 64	unnamed ditches	
Reinders-Manhole 34	tributary to	
	Illinois River	
STP 2	Twin Oaks Ct-near Manhole 37	Ackerman Creek
	Crestarms Ct-Manhole	
STP 3	East Oakwood Ave-Manhole	drainage area
		behind Fondulac
		Dam

All of the receiving streams are tributary to Farm Creek which flows into the Illinois River. Overflow quantities at these 19 points range from 0 - 798,000 gallons per year with a total from all overflows of slightly over 2 million gallons per year. The Agency and East Peoria agree that the overflows seem to have little or no discernable adverse impact on water quality downstream in Farm Creek. While localized adverse impacts are known to occur (discharges from Manhole 27), East Peoria has responded promptly to complaints by spreading lime.

East Peoria has submitted the following estimated construction costs to secure full compliance:

Route 8 Trunk Sewer	\$ 392,026
Kerfoot Trunk Sewer	1,263,613
Meadows Avenue Trunk Sewer	655,732
Shadoway Dr. Trunk Sewer	431,786
Taylor St. Trunk Sewer	328,600
Sewer System Rehabilitation	160,154
Storage Facilities	1,418,028
Plant 1 Improvements	<u>2,831,495</u>
Totals	\$7,981,434

The Agency asserts that nearly half of this amount may not be specifically relevant to the elimination of overflows encompassed in this variance request. East Peoria believes the listed costs are relevant.

Despite the differing estimates of total cost, East Peoria and the Agency contend that for immediate compliance the economic hardship outweighs any adverse environmental impact, especially considering East Peoria's efforts to minimize adverse impact. The Board agrees and will grant a variance.

However, the Board will grant the variance to July 1, 1988, rather than November 30, 1988, as requested by petitioner, since the July 1 compliance date is required by the federal Clean Water Act (see Section 301(i)(1), and both the Board and the Agency are precluded, respectively, from granting a variance or issuing a permit allowing compliance beyond a federal statutory deadline.

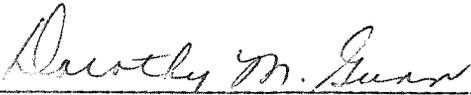
Further, the Agency states that, in accordance with a USEPA mandate and pursuant to the Clean Water Act, and with or without federal grant funding, it has established a Municipal Compliance Strategy (MCS). Under the MCS, the Agency will reissue permits for WWTP #1 and #2 providing for sanitary sewer overflows (the present permits do not so allow) and a required preparation of a fixed date Municipal Compliance Plan (MCP) consistent with the variance. (Agency Rec. 4, 5, 9.)

The Board notes that East Peoria is unlikely to get federal grant funds, and that it is diligently pursuing alternative funding sources. (East Peoria Resp., 2). Nevertheless, the timing of alternate funding pursuits does not permit further delay in preparing an MCP with fixed compliance dates, absent amendments to the Clean Water Act. The Board's order reflects the Agency's recommended conditions, except that the requirement to comply with PCB 73-263 is not included because it is unnecessary to so state.

This Opinion constitutes the Board's findings of fact and conclusions of law in support of the Order of April 4, 1985, in this matter.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion was adopted on the 18th day of April, 1985, by a vote of 11-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board