

ILLINOIS POLLUTION CONTROL BOARD  
June 10, 1987

IN THE MATTER OF: )  
 )  
JOINT PETITION OF THE SANITARY )  
DISTRICT OF ELGIN AND THE CITY )  
OF ELGIN, ILLINOIS AND THE ) PCB 85-222  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY FOR EXCEPTION TO THE COMBINED )  
SEWER OVERFLOW REGULATIONS )

MR. LYLE C. BROWN, SCHNELL, RICHARDS, BROWN, RITT, FREEMAN & DALTON, P.C., APPEARED ON BEHALF OF THE SANITARY DISTRICT OF ELGIN AND THE CITY OF ELGIN; AND

MS. HEIDI HANSON APPEARED FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board on the December 30, 1985, joint petition of the Sanitary District of Elgin ("Sanitary District") and the City of Elgin ("City") (hereinafter collectively referred to as "Elgin") and the Illinois Environmental Protection Agency ("Agency") for exception to 35 Ill. Adm. Code 306.305 (a) and (b) to relieve Elgin from the requirement to construct and operate certain combined sewer overflow (CSO) transport and treatment facilities.

For the reasons described below, the Board finds that Petitioners have made the showings requisite for granting the relief requested. The relief will accordingly be granted, subject to conditions as stipulated to by Petitioners and consistent with the Board's rules and regulations.

CSO REGULATIONS

The Board's CSO regulations are contained in 35 Ill. Adm. Code Subtitle C, Chapter I, Part 306. They were amended in R81-17, 51 PCB 383, March 24, 1983. Sections pertinent to the instant matter are Sections 306.305 and 306.361(a). Section 306.305 provides as follows:

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.

Subpart D allows the discharger to file a petition for an exception either singly, or jointly with the Agency as Elgin has done. A joint petition may seek an exception based on minimal discharge impact as provided in Section 306.361(a):

An exception justification based upon minimal discharge impact shall include, as a minimum, an evaluation of receiving stream ratios, known stream uses, accessibility to stream and side land use activities (residential, commercial, agricultural, industrial, recreational), frequency and extent of overflow events, inspections of unnatural bottom deposits, odors, unnatural floating material or color, stream morphology and results of limited stream chemical analyses.

Pursuant to 306.361(a) Elgin and the Agency assert that overflows from its combined storm and sanitary sewer system have minimal impact on the water quality of, and do not restrict the use of, the Fox River (the receiving stream).

#### SUPPORT DOCUMENTS

Petitioners have presented several documents in support of their petition. Included among these are three analyses and evaluations of the Elgin CSO's, the first prepared in 1975 (Ex. A), the second in 1982 (Ex. B), and the most recent in 1985 (Ex. C). Petitioners have also provided various overflow inspection reports (Ex. F, J, and K), monitoring results (Ex. F and G), copies of the Sanitary District's pretreatment ordinance (Ex. H)

and the City's zoning ordinances (Response<sup>1</sup>, August 1, 1986), and responses to various interrogatories posed by both the Agency (Ex. D and E) and the Board (Responses, July 21, July 28, October 1, October 6, and November 24, 1986, and March 25, 1987<sup>2</sup>).

The Agency asserts that it has been working with Elgin on this matter since 1975 consistent with the Board's determination that "the essential element" in the CSO exception procedure "is to attempt to establish a partnership between the discharger seeking relief and the Agency". Agency Response, March 25, 1987, at 3, quoting 46 PCB 76. The Agency further quotes the Board, noting the Board's statement that "in cooperation, the two are are to develop the necessary data concerning a) what level of CSO control is environmentally necessary, and b) what control strategies, including but not limited to retention and treatment, are economically and technically feasible". Id. The Agency believes that present joint petition is based on these factors as required by the Board. Agency Response, March 25, 1987, at 3.

#### BACKGROUND

The Sanitary District includes the municipal boundaries of the City of Elgin and the Village of South Elgin. According to the 1980 census, the total population of the Sanitary District was 73,000. The City's population was approximately 67,000; the population of South Elgin was approximately 6,000.

Elgin is served by three treatment plants: the main plant, a 25 million gallon per day (MGD) facility; the west plant, a 1.5 MGD facility; and the north plant, which is being expanded to a 5.75 MGD facility. Only 25% of the City of Elgin is served by combined sewers; the remaining portion is served by separate sanitary sewers. All the combined sewers are tributary to the main plant. There are no combined sewers in South Elgin. R. at 14.

The main plant has an average design capacity of 25 MGD and a peak design flow capacity of 50 MGD. However, the plant receives and treats an average dry weather flow (ADWF) of only 14 MGD. This consists of 11 MGD from Elgin and South Elgin, including 1.6 MGD from the CSO area, and 3 MGD from Streamwood by

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<sup>1</sup> Date of Response to Interrogatories (hereinafter "Response") is the date of filing with the Board.

<sup>2</sup> The March 25, 1987, Response is a group response which includes individual responses of the Sanitary District, Donohue and Associates, Inc. ("Donohue") on behalf of the Sanitary District, and the Agency.

contract with the Metropolitan Sanitary District of Greater Chicago. Sanitary District Response, March 25, 1987.

The system has 16 permitted combined sewer overflows. Agency Response, March 25, 1987, at 1. However, two of these outfalls have not been operated in a number of years and have been isolated by a manually operated valve. A third "outfall" does not discharge directly to the river, but instead feeds into sewers tributary to another CSO basin. Consequently, only 13 overflows are actually operational. All CSO discharges are directly into the Fox River. Ex. C at 1.

The Sanitary District owns the three wastewater treatment plants, ten pumping stations, 33 miles of gravity interceptor sewer, six miles of force main, and the diversion structures on the combined sewer system. The City owns all the combined sewers, all the storm sewers, and all the lateral sewers in the system. R. at 17.

There are three "wet industries" tributary to the combined sewer system: Elgin Diamond Products, Shedd's Food Products, and Williams Manufacturing. Contaminants from these industries include: cadmium, cyanide, arsenic, lead, copper, mercury, nickel, selenium, silver, zinc, tetrachloride, tolulene (sic), 1,2-dichloroethane, and vegetable oil. Elgin has a pretreatment ordinance with which these industries are in compliance except for Shedd's. However, Shedd's was expected to achieve compliance by January 1986. Ex. D at 2-3.

#### DOCUMENTATION OF MINIMAL IMPACT

Section 306.361(a) requires that Petitioners seeking a CSO exception on the basis of minimal discharge impact, as is the case here, make a number of showings. Pursuant thereto, Petitioners provide the following information and observations:

##### Receiving Stream Ratios

Elgin asserts that the flow in the Fox River provides substantial dilution potential for its CSO discharges. The drainage area of the Fox River at Elgin is approximately 1,450 square miles and the average flow is approximately 800 cfs or 1,240 MGD; the 10-year, seven-day low flow is approximately 62 cfs or 95.6 MGD.

No actual measurements of CSO discharges have been made. Instead, various modeling and simulation studies have been undertaken to estimate the parameters of the CSO discharges. Among the results are that the simulated total annual overflow is estimated at 140.6 MG. Ex. B at II-17 and II-19. Similarly, 686 MGD would be expected for the theoretical "maximum 30 minute

discharge" rate of a two-year storm, producing a volume of 10.58 MG during the same time frame. Ex. B at III-6.

First flush<sup>3</sup> for a one-year storm is further estimated to be 7 MG and to typically occur within the first thirty minutes of the rainfall. First flush for a two-year storm is also estimated to be approximately 11 MG and first flush for a 25-year storm to be approximately 21 MG. R. at 57-8.

Petitioners also discuss receiving stream ratios in terms of average annual pollutant loadings. Thus, it is estimated that the Elgin CSO discharges comprise 0.4% of the annual BOD loadings on the Fox River at Elgin, 0.3% of the phosphorus loadings, and 0.1% of both the ammonia nitrogen and nitrate nitrogen loadings. R. at 39; Ex. B at I-7. It is estimated that a program of full first flush capture would reduce the BOD, phosphorus, and ammonia nitrogen loadings to approximately 0.24%, 0.16%, and 0.07%, respectively. Id. at I-8; R. at 54. An additional program of expanded primary treatment could further reduce the BOD loadings to 0.21%, but would have no additional effect on lowering of the phosphorus or ammonia nitrogen loadings. Id.

#### Known Stream Uses

Stream uses of the Fox River in the immediate vicinity of Elgin are contended to be comparatively limited, as least

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<sup>3</sup> The Board notes that throughout much of the record there is the underlying assumption that first flush is equal to 2.5 times ADWF. Thus, for example, reference to a treatment goal of 12.5 ADWF is based on the assumption that this includes treatment of both first flush and an additional 10 times ADWF, pursuant to Section 306.305. A specific example is provided in Elgin's Response of July 21, 1986, at 2:

Section 306.305 indicates that flows up to 2.5 times the average dry weather flow receive full treatment, that the first flush receive full treatment, and additional flows from 2.5 to 12.5 times the average dry weather flow receive primary treatment. (Emphasis in original).

As the Agency notes (Agency Response, March 25, 1987, at 2-3), the equation of 2.5xADWF with first flush derives from a now superseded Agency guideline for estimating first flush. Nevertheless, because much of the record in the Elgin CSO preceeding was accumulated during the period when the 2.5xADWF guideline was in use, many references to it remain and its use has persisted even though the guideline has been superseded.

relative to other reaches of the river. In part this is related to limited accessibility (see below) and the urban character of the stream side area. It is also noted that the Fox River in the Elgin area is unsuitable for power boat usage due to the presence of several dams which lack lifts and the shallowness of the river. R. at 43. It is further contended that other stream uses, such as swimming and canoeing, are limited.

Elgin does use the Fox River above the CSO area for its drinking water supply. However, no other downstream municipalities in close proximity to the discharges do.

The contended limited use of the Fox River in the immediate vicinity of Elgin apparently contrasts with the greater use in the less urban and less controlled sections of the river, both upstream and downstream of Elgin. The Board notes in this context that the upstream reaches includes the Fox-Chain-of-Lakes and the downstream area includes many reaches of highly scenic, recreational, and aquatic habitat value.

#### Accessibility to Stream Side Land Use Activities

Stream side access to the Fox River in the vicinity of the CSO outfalls is limited. Most of the near stream side land use is commercial or industrial. Ex. C. Additionally, through major portions of the CSO reach railroad lines, one on each side of the river approximately 15 feet from the river bank, restrict public access. R. at 78. Also, there are no public launching ramps for boats or other significant public access points, and there are no beaches anywhere within the Kane County reach of the Fox River. R. at 43; Ex. C. at 9.

The main exception is the Douglas Avenue Basin, where one outfall is in a residential area and one outfall is by a city park and the city library and civic center. Ex. C. at 6. Most of the undeveloped land is stated to be unsuitable for future development because of its topography, proximity to the railroad, or limited access.

#### Frequency and Extent of Overflow Events

There have been no actual measurements made of the frequency of overflows from the combined sewers in Elgin. Ex. D at 4. However, Elgin asserts that all rainfalls in excess of 0.04 inches per hour presently produce some type of overflow event in the Elgin system. R. at 44. Such rainfall events occur on the average for 182 hours each year, based on climatic records. Ex. A at Figure 2. Due to variation in conditions at the time of actual individual rainfalls, Elgin estimates that the corresponding number of hours during which CSO events occur could range from 109 hours to 273 hours per year. Donohue Response, March 25, 1987, at 6.

Inspections of Outfalls (Bottom Deposits, Odors, etc.)

Twelve of the CSO outfalls were inspected by Sanitary District consultants in May 1985 after an extended dry period and in June 1985 following a 0.65 inch rainfall. Ex. C at 14-22. Nine of the CSO outfalls were inspected by the Agency in May 1986 after an extremely wet weekend which followed an extended dry period. During this inspection no outfalls were observed to be discharging. Ex. K. The results of the inspections were essentially consistent: in all cases it was stated that there was no sludge, sewage debris, septic odor, floating material, or color. Ex. C at 14-17; R. at 45-46, 102-103.

Elgin has also conducted some limited sampling of bottom deposits upstream and downstream of the CSO outfalls. Comparison of these data for BOD and volatile solids indicates no significant differences. Ex. B at II-26; Ex. C at 21. Additionally, Elgin has examined Northeastern Illinois Planning Commission (NIPC) reports on the character of bottom deposits and benthic life of the Fox River in general. On this basis Elgin concludes that there is "no significant variation in bottom deposits or benthic life between areas upstream and downstream of Elgin." R. at 42; Ex. B at I-5.

The Agency also sampled bottom aquatic life during its May 1986 inspection. The Agency concluded that although the calculated macroinvertebrate biotic index (MBI) values for the stations were "indicative of degraded biological communities", such a situation "is not atypical of urban streams and may be partially due to scouring of the river bottom." Ex. K. With the exception of one bare area and another station with an MBI of 5.5, the MBIs for the other stations ranged from 8.6 to 11.0. An MBI between 7.5 to 10.0 is classified as a "limited aquatic resource." Two studies provided by the Agency of the Fox River area in general found that the closest MBIs upstream and downstream of Elgin were categorized as "moderate aquatic resources" with values less than 7.0.

The Agency summarizes its evaluation of the outfalls and the river by noting that "we could not identify any direct attributable impact in the Fox River due to the CSO's". R. at 105.

Stream Morphology

At Elgin the normal width of the Fox River is 200 to 300 feet and the channel depth is approximately 4 feet. Stream discharge is partially controlled by a dam located approximately six miles upstream at Algonquin. Two additional dams occur in the CSO area: the Kimball Street dam in Elgin which is upstream from the CSO outfalls and the South Elgin dam which is downstream from the CSO outfalls. Both dams slow the river flow and hold back pools. Ex. C. at 22.

Trees at various locations overhang the river and, depending on water level, have the potential to trap floating debris and to promote ice jams. However, the shorelines immediately downstream of the CSO outfalls were inspected in May and June, 1985 (see above), and no sanitary debris was observed. Ex. C. at 22.

### Stream Chemical Analyses

Elgin regularly conducts monitoring of water quality, including sampling stations located within the reaches of the Fox River to which the CSOs discharge. R. at 19; Ex. G. Sampling is conducted weekly, with different parameters sampled on a four-week cycle. It is in part based on these data, and in part on data collected and modeled by NIPC, that Petitioners calculate the relative pollutant loadings of the Elgin CSO on the Fox River, as noted above.

Elgin has also gathered dissolved oxygen (DO) data specifically for its CSO analysis. These data show that DO depressions occurred during rainfall events. However, the depressions occurred both upstream and downstream of the CSO outfalls and therefore appear to be generally related to drainage rather than to an effect of the combined sewer overflows themselves. Excursions below the standard of 5 mg/l were also noted, but were unrelated to storm events. Rather, the excursions seem to be related to algae production and respiration in conjunction with warm weather temperatures. R. at 48-50; Ex. B at I-6.

### EQUIVALENCY ARGUMENT

The Elgin CSO situation provides a circumstance not commonly encountered by the Board in its previous consideration of CSO matters. In the common CSO circumstance, the factor which most seriously limits ability to treat combined sewer discharges is the capacity of the treatment plant. Most plants have capacities only marginally above that necessary to handle the ADWF, and thus are not capable of providing normal treatment to the large flow volumes associated with major influxes from the storm sewer portions of the combined sewer system.

The Board's CSO regulations implicitly recognize this circumstance in requiring that certain flows above ADWF be captured for later full treatment, presumably when the plant is no longer on overload, and that other additional flows receive primary treatment (i.e., not full treatment) at a minimum.

The Elgin circumstance differs from this "norm" in that the Elgin main treatment plant, to which all the Elgin combined sewers are tributary, has a substantial capacity above ADWF. Specifically, the main plant has an average design capacity



approximately twice that of the ADFW and a peak design flow capacity approximately 3.5 times that of the ADFW. Elgin is thus able to provide full treatment, to a 5/5 BOD/TSS level, to a greater portion of the flows which exceed the ADFW than is normally the case. This level is currently 10.3 times the ADFW, all of which receives full treatment. R. at 71.

Nevertheless, Elgin is limited in its ability to treat all of the flows in excess of the ADFW. This is partially related to the fact that large CSO events exceed even 10.3 times ADFW. Moreover, full treatment is also limited by conveyance capacity: the existing sewerage system is insufficient to convey to the plant the full discharge encountered at peak influx times.

Thus, Elgin is not able to capture all of the combined sewer discharge required by Section 306.305. However, it does provide a greater degree of treatment than is required by Section 306.305 to that portion which it does capture.

With the above background as perspective, and without consideration as to whether or not the showings requisite to Section 306.361(a) have been adequately made, Petitioners argue that the current system actually accomplishes removal of pollutants comparable to the minimum levels required by Section 306.305, although admittedly not by the means specified under Section 306.305. In support of this contention, the Sanitary District calculated the total annual BOD<sub>5</sub> discharge which would result if the treatment processes required by Section 306.305 were instituted. Based on an average annual rainfall of 31.82 inches, a total annual runoff of 476 MG would be available for treatment. According to Petitioners, institution of the treatment processes required under Section 306.305 would result in the following discharges:

Complete treatment:					
238 MG x 5 mg/l	x	8.34	=	9,925 lb/year	
First flush treatment: <sup>4</sup>					
40 MG x 5 mg/l	x	8.34	=	1,668 lb/year	
Primary treatment					
130 MG x 30 mg/l	x	8.34	=	32,526 lb/year	

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<sup>4</sup> The Board notes that first flush is assumed to be 2.5 times ADFW. See also footnote 3.

No treatment  
68 MG x 35 mg/l\* x 8.34 = 19,849 lb/year  
Total Annual BOD<sub>5</sub> Discharge = 63,968 lb/year

\*Observed average concentration after first flush has subsided.

Response, July 21, 1986

Conversely, the 476 MG annual runoff currently receives the following treatment with these resulting discharges:

Complete treatment:  
360 MG x 5 mg/l x 8.34 = 15,012 lb/year

No treatment  
116 MG x 50 mg/l\*\* x 8.34 = 48,372 lb year  
Total Annual BOD<sub>5</sub> Discharge = 63,834 lb/year

\*\*Observed average concentration over time including the quantity of BOD<sub>2</sub> associated with first flush.

Response, July 21, 1986

Thus the current pollutant capture capability, at least as measured by BOD<sub>5</sub>, of the Elgin system is virtually identical to the amount required to be captured by the system were it in compliance with Section 306.305. The Agency summarizes its perspective on this matter by noting that "we are comfortable with the existing level of treatment". R. at 105. Moreover, it is noted that pollutant capture capability would increase even further should Elgin undertake replacement of the force main located between pump station #31 and the main treatment plant (see following).

#### PUMP STATION #31 AND ITS FORCE MAIN

Petitioners recognize that the principal conveyance limitation existing in the Elgin system is the capacity of the force main located between pump station #31 at Wellington Street and the main treatment plant. R. at 61, 106. Replacement of this force main, with some attendant modifications at either end of the force main, would allow Elgin to increase its treatment level by providing greater conveyance of combined sewer discharges to the main plant. This increased level of treatment would offer a corresponding decrease in the quantity and increase in the quality of the remaining CSO discharge.

The cost of upgrading the force main is approximately \$2,000,000. Petitioners argue that this expenditure is not cost-effective at this time. Agency Response, March 25, 1987, at 2.

However, Petitioners do commit to replacement of the force main and upgrading of associated structures as a stipulated condition of the exception. These improvements would increase the minimum wet weather flow rate from 13 MGD to 16.5 MGD. Ex. I at 1 and 3; Agency Response, March 25, 1987, at 2. According to the stipulation, replacement and upgrading would occur when the force main requires replacement or the projected annual repairs exceed in expense 50% of the cost of replacement of the force main. Id. Additionally, the Agency would be able to monitor the situation through receipt of monthly summaries of all bypassing and repair and maintenance of pump station #31 and the force main. Id.

#### COMPLIANCE OPTIONS

Although not required pursuant to Section 306.361(a), Petitioners have provided extensive data on the costs which would be encountered were Elgin to implement system changes necessary to come into complete or partial compliance with Section 306.305. A large number of different scenarios have been developed, the principal of which are summarized below.

Complete sewer separation was estimated to cost \$20,000 per acre. The total combined sewer area is 1,345 acres, which would produce a total construction cost of \$26,900,000. Based on a service life of 50 years, an interest rate of 8.5 percent, and an annual operating cost of \$90,000, the annualized cost for this system would be \$2,416,000. Donohue Response, March 25, 1987, at 3.

Capture of the first flush, which for a one-year storm is estimated to result in a total volume of approximately 7 MG, would require enlarging the conveyance capacity of the sewer system and/or construction of holding facilities. Due to the large flow rates at which first flush occurs, Elgin believes that it is impractical to modify the conveyance capacity to allow routing of the full first flush to a central facility. Thus, holding sites have been postulated, where possible, immediately adjacent to the overflow sewers. Since all of the sites are in fully developed commercial/residential areas, construction of the holding facilities would require the acquisition and clearing of existing structures. In addition, the holding facilities would need to be below ground, covered, and equipped with pumping and cleaning and odor control devices. The construction cost for a system capable of accommodating the full first flush for a one year storm event is estimated at \$18,050,000, with a total annual cost of \$1,789,000. Donahue Response, March 25, 1987, at Table I.

To estimate the costs for primary treatment of 10 times ADWF, a general review of the existing diversion/interceptor

systems was conducted to determine what modifications would be necessary to collect and transport a flow of 16.5 MGD. It was determined that with one exception the interceptor sewers were adequate to transport the peak flows, but that all of the diversion structures would require modification or replacement to provide adequate diversion capacity and/or accurate flow control. The most significant restriction to transporting the required flow rate was found to be the existing pump station #31, which has a current discharge capacity to the Main Plant of approximately 13.4 MGD. Additional equipment also necessary would be primary clarifiers, a chlorine tank, and a force main. The cost estimate for this system expansion is estimated at \$4,840,000. The Joint Petitioners do not consider this expenditure to be cost effective at this time, since 1) complete treatment is furnished to a significant portion of the flow which is required to receive only primary treatment, resulting in pollutant reductions equivalent to that required by Section 306.305(b) and 2) primary treatment of the remaining portion (approximately 3.1 MGD) will not result in any measurable benefit in water quality. The Sanitary District and the City have agreed, however, that should the force main need "major work" it will indeed be cost-effective to replace the force main and increase pumping capacity at that time, thus eliminating the need for an overflow from the pump station.

In addition, Elgin analyzed a number of partial solutions including separation of two of four sanitary sewer basins contributing to the combined system at a cost of \$572,000. Flow in these two basins comprises the majority of the flow measured in the CSO basin to which they are tributary and this basin (Lake Street) contributes 0.56 MGD (35%) of the total dry weather flow of 1.6 MGD in the CSO area.

Information was also provided concerning the estimated cost for capturing 25, 50 and 75 percent of the first flush of the 1.2 inch per hour storm. Economies of scale dictate that the most economical partial capture system would involve full capture at certain cost-effective locations rather than partial capture at multiple locations. The three most cost-effective locations for capture of first flush, the Lord Street, Bluff City Boulevard, & Locust Street basins, would allow 79% capture of first flush and represent 77% of the full capture system cost, or \$13,160,000. 50% of the first flush could be captured from the Lord Street & Bluff City Boulevard basins at a cost of \$7,700,000, and 25% of first flush could be captured at the Lord Street Basin at a cost of \$4,020,000. Donohue Response, March 25, 1987, at 4.

#### CONCLUSION

The Board determines that Petitioners have shown pursuant to 35 Ill. Adm. Code 306.361(a) that exception to 35 Ill. Adm. Code

306.305(a), as it relates to first flush of storm flows, and to 35 Ill. Adm. Code 306.305(b) would produce minimal impact on the receiving stream. Accordingly, the Board will grant the exception. The Board further will accept the conditions as agreed to by Petitioners.

ORDER

The City of Elgin and the Elgin Sanitary District are hereby granted an exception from the treatment requirements of 35 Ill. Adm. Code 306.305(a), as such provision relates to first flush of storm flows, and from 35 Ill. Adm. Code 306.305(b) for combined sewer overflows to the Fox River, subject to the following conditions:

1. The Elgin S.D. will transport maximum wet weather flow to the treatment plant via the pump station #31 and force main from Wellington Street to the treatment plant, but in no event shall the pump station and force main deliver less than 13 MGD of wet weather flow to the treatment plant prior to and during any bypassing at Wellington Street pump station #31.
2. The Elgin S.D. shall submit to the Illinois Environmental Protection Agency, with its monthly Discharge Monitoring Reports the following information:
  - a. beginning and ending times (to the nearest 5 minutes) of each period of bypassing at pump station #31;
  - b. average flow rate in units of MGD through the force main at station #31 for each bypassing event described above; and
  - c. a summary of all repair and maintenance of the pump station #31 and the force main between Wellington Street and the treatment plant.
3. The Sanitary District of Elgin, at such time as the force main between pump station #31 and the treatment plant requires replacement, or projected annual repairs exceed in expense 50% of the cost of replacement of the force main, shall upgrade the pump station, force main and treatment plant to the extent necessary to provide a minimum of 16.5 MGD of transport, primary treatment and disinfection for flow tributary to the pump station.
4. The Sanitary District of Elgin shall continue its program of inspection and maintenance of the combined

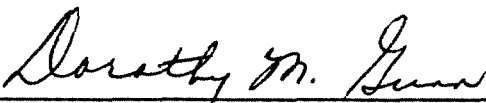
sewer diversion structures and shall keep records of the inspections and maintenance. It shall also continue to actively enforce all provisions of its pretreatment ordinance.

5. The City of Elgin shall continue its program to reduce the quantity of inflow and infiltration and its program to replace combined sewers with separate sanitary sewers.
6. This grant of exception does not preclude the Agency from exercising its authority to require as a permit condition a) a CSO monitoring program sufficient to assess compliance with this exception and any other Board regulations, including Section 306.305(c); and b) other controls if needed for compliance, including compliance with water quality standards.
7. This grant of exception is not to be construed as affecting the enforceability of any provisions of this exception, other Board regulations, or the Act.

IT IS SO ORDERED.

Board Members Bill Forcade and 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 ~~10<sup>th</sup>~~ day of June, 1987, by a vote of 4-2.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board