

ILLINOIS POLLUTION CONTROL BOARD
February 20, 1985

CITY OF FARMINGTON,)
Petitioner,)
v.) PCB 84-166
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a petition filed November 1, 1984 by the City of Farmington (City), seeking a one-year variance (extension) from the prohibition against sanitary sewer overflows as found at 35 Ill. Adm. Code 306.103(b). The prior variance period expired on July 1, 1984. While the prior variance was from section 306.103(b), the combined sewer overflow (CSO) rules were amended and renumbered on March 23, 1983. What was 306.103(b) is now section 306.304. In response to a Board Order dated November 8, 1984, the City filed an amended petition on December 10, 1984. The Illinois Environmental Protection Agency (Agency) filed its recommendation on January 21, 1985 concurrent with a motion for the Board to allow the late filing, which the Board granted on January 24, 1985. The Agency recommends the grant of the variance extension subject to conditions. Hearing was properly waived and none has been held.

The background of this case is adequately set forth in the October 6, 1983 Board Opinion and Order in PCB 83-63 (54 PCB 159) and need not be repeated here. The prior variance was granted to allow the installation of three bypass overflows in the sanitary sewer system for the monitoring and measurement of excess infiltration and inflow into the system during heavy rainfall events. Because of the lack of rainfall of sufficient intensity and the delay in obtaining easements from private landowners and in construction of the bypasses, the City requests that the Board extend the variance from July 1, 1984 until July 1, 1985. The Agency recommends grant of variance until December 1, 1985.

The Board finds that these events have been beyond the control of the City. Two bypasses have finally been constructed and the easement for the third has been obtained. The Agency states that the City has a priority of 1,049 for funding, which is outside the fundable range (Ag. Rec. at 2).

There are no reasonable alternatives. The City needs flow data in order to design an effective sewer rehabilitation plan. The Board finds that to deny variance in these circumstances, especially where the environmental impact will be minimal due to the short duration of the variance, would be to impose an

arbitrary or unreasonable hardship. The adverse impact to the receiving streams will be minimized because, in the prior variance and herein, the City will be required to install the bypasses at an elevation no greater than six inches below the elevation of sewage at the point where basement backups or manhole overflows occur, thus, minimizing the amount of bypassing.

Therefore, the Board grants the City a variance from 35 Ill. Adm. Code 306.304. However, the variance will begin on November 1, 1984 given the fact that the City filed for extension four months after the prior variance expired.

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

ORDER

The City of Farmington is hereby granted variance from 35 Ill. Adm. Code 306.304 subject to the conditions below.

1. This variance shall begin on November 1, 1984 and shall expire on December 1, 1985 or upon completion of the flow monitoring study, whichever occurs first.
2. This variance authorizes only installation and use of the three bypasses described in Exhibit A to the May 5, 1983 variance petition in PCB 83-63.
3. The City shall construct the third bypass and install the necessary flow monitoring equipment as expeditiously as possible.
4. Upon expiration of this variance, the three bypasses will either be removed or permanently sealed.
5. Petitioner shall determine the elevation of sewage at each of the three bypasses when basement backups or manhole overflows occur and shall develop plans to install the bypass no more than 6 inches below this elevation. The plan and any necessary permit applications shall be submitted to the Agency for its approval.
6. Petitioner shall monitor and report to the Agency every two months the date(s) of each bypass event, quantity of wastewater bypassed, and weather conditions that caused the bypass. These reports shall be submitted to DWPC, Compliance Assurance Section, at the address listed below.

- 7. Within thirty (30) days of the date of this Order, Petitioner shall execute and forward to Gary Reside, DWPC, Compliance Assurance Section, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This thirty (30) day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 84-166 dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Date

Title

IT IS SO ORDERED.

Board Members J.D. Dumelle and J.T. Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 20th day of February, 1985 by a vote of 5-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board