

ILLINOIS POLLUTION CONTROL BOARD
August 3 , 1978

CITY OF PERU,)
)
 Petitioner,)
)
 vs.) PCB 78-156
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On May 31, 1976 a variance petition was filed with the Board by the City of Peru requesting variance from Rule 962 of Chapter 3: Water Pollution Regulations. The Environmental Protection Agency (Agency) filed its recommendation on July 6, 1978. No hearing was held in this matter.

The City of Peru presently operates a secondary wastewater treatment plant with discharge to the Illinois River in the Northeast Quarter of Section 21, Township 33 North, Range 1 East of the Third Principal Meridian, LaSalle County, Illinois. The Petitioner is seeking a variance in order to allow the construction of a sanitary sewer extension to serve a truck terminal which is being built by Consolidated Freightways. In 1976 the Agency placed Petitioner's sewage treatment plant on the critical review list. According to the Agency at the present time the facility has a 20 P.E. capacity remaining. If the proposed sewer extension is allowed an additional 122 P.E. would be added to the system.

Petitioner's NPDES permit requires that the effluent from the facility not exceed 20 mg/l BOD and 25 mg/l suspended solids on a 30 day average and 30 mg/l BOD and 38 mg/l suspended solids on a 7 day average. Agency grab samples and Petitioner's Discharge Monitoring Reports and Monthly Operating Reports showed effluents well within the required levels. The Agency was not entirely satisfied with accuracy of Petitioner's flow data or with all the calculated plant unit capacities; however, for the purposes of this recommendation the Agency did have enough information.

The City of Peru is presently developing plans for a major renovation of its Sewage Treatment Plant (STP) and/or collection system. These plans are being prepared with Step I grant funding. The following is a proposed time table:

Completion of the Infiltration/Inflow Analysis	9-1-78
Completion of Facilities Plan	3-1-80
Completion of Step II Working Drawings	3-1-81
Completion of construction	9-1-82

This work is to be completed prior to full occupancy of Consolidated's terminal in 1983.

The City of Peru, population approximately 11,800, made major renovations to their STP in 1968 and assumed its waste treatment problems were solved for a 20-year period. Since 1972 the City has spent \$988,000 in constructing storm sewers. In January 1978, Petitioner entered into an agreement with a private contractor to operate the STP. Since that date the Agency has noted an overall improvement in the operation of the plant. Also the bypassing of dry weather flows that occurred prior to February 8, 1978, has been discontinued. Petitioner alleges that by not being able to extend the sanitary sewers to serve the new truck terminal, the City and surrounding area will lose the possibility of employment for approximately 450 people, potential economic growth and increased tax revenues. Petitioner states that no serious injury would be imposed on the general public by granting the variance since no basement flooding will result and plant effluent should not exceed standards. The Agency is of the opinion that the sewage treatment plant can treat the additional load without an apparent decrease in plant effluent quality if good plant operations are continued. The Agency recommends that the variance be granted with conditions.

The Board finds that a variance is warranted in this case. Petitioner has shown good faith through the years in attempting to comply with environmental regulations. The hardship involved should the variance be denied would be arbitrary and unreasonable. Petitioner shall be granted a variance subject to the Agency's suggested conditions.

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

ORDER

It is the order of the Pollution Control Board that the City of Peru is granted a variance from Rule 962(a) of Chapter 3 subject to the following conditions:

1. This variance shall be limited to allow a sanitary sewer extension to serve only Consolidated's terminal.
2. Within 60 days of the Final Board Order herein, Petitioner shall submit accurate flow data to the Agency at the following address:

Environmental Protection Agency
Enforcement Programs
2200 Churchill Road
Springfield, Illinois 62706.

3. Petitioner shall execute and forward to the Environmental Protection Agency at the above address within forty-five (45)

days after the date of the Board Order herein a Certificate of Acceptance and Agreement to be bound to all the terms and conditions of the variance. This 45 day period shall be held in abeyance for any period during which this matter is appealed. The form of said Certification to be as follows:

CERTIFICATION

The City of Peru has received and understands the Order of the Illinois Pollution Control Board in PCB 78-156 and hereby accepts said order and agrees to be bound to all the terms and conditions thereof.

NAME

TITLE

DATE

Pursuant to Rule 914 of Chapter 3, the Agency shall amend Petitioner's NPDES permit so as to be consistent with the order herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3RD day of August, 1978 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board