

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1981

URBANA AND CHAMPAIGN SANITARY)
DISTRICT,)
)
Petitioner,)
)
v.) PCB 81-26
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

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

On February 19, 1981, Urbana and Champaign Sanitary District (District) filed a petition for variance from Conditions 1 and 2 of PCB Order 77-271 (February 16, 1978) and Condition 1 of PCB Order 79-50 (May 10, 1979). The former request is to extend the time for completion of start-up operations until April 1, 1982. The latter is to extend the termination date until June 1, 1982. On March 19, 1981, the Illinois Environmental Protection Agency (Agency) filed a recommendation to grant the relief requested. Hearing was waived and none was held.

In PCB Order 77-271 the District was granted a variance from particular provisions of the Pollution Control Board's Rules and Regulations, Chapter 3: Water Pollution subject to certain conditions. Specifically, the District was granted a variance until June 30, 1981, from the ammonia nitrogen limitations of Rules 203(f) and 402 and from Rules 403 and 405. The District was also granted a variance from Rule 602(b) until June 30, 1979. The conditions of PCB Order 77-271 which are the subject of this variance proceeding provided as follows:

Condition No. 1:

The District shall abate its discharge of inadequately treated sewage as required under Rules 203(f), 402, 404(f)(ii), and 405 of Chapter 3: Water Pollution Regulations by making the necessary improvements in accordance with the project completion schedule included in the USEPA grant (C171568-03) containing the following schedule:

- (a) completion of construction by March 31, 1981;
- (b) Completion of start-up operations by June 30, 1981.

Condition No. 2:

The District shall abate the discharge of inadequately treated sewage from treatment plant bypasses as required under Rules 403 and 602(c) of Chapter 3: Water Pollution Regulations by making necessary improvements in accordance with the project completion schedule included in the USEPA grant (C171568-03) containing the following schedule:

- (a) Completion of construction by March 31, 1981;
- (b) Completion of start-up operations by June 30, 1981.

In PCB Order 79-50, adopted on May 19, 1979, the District was granted a variance from the excess infiltration and sanitary sewer overflow prohibitions of Rule 602(b) of Chapter 3. The condition of PCB Order 79-50 which is the subject of this variance proceeding provided as follows:

Condition No. 1:

The variance shall terminate twelve months after the District accepts a Municipal Wastewater Treatment Works Construction Grant offer, Step III, Construction, but in no event later than June 30, 1981.

The District maintains two sewage treatment plants. The sewers tributary to the plants are exclusively sanitary type sewers. During 1980, average total flow through the two plants was 14,919,000 gallons per day.

The Northeast Treatment Plant discharges to Saline Drainage Ditch which is tributary to the West Branch of the Salt Fork of the Vermilion River. Saline Drainage Ditch has a seven-day, ten-year low flow of 2.4 cubic feet per second. The plant has a design average flow of 16 million gallons per day ("MGD") and is capable of bypassing both before and after primary treatment. Sanitary sewer overflows are present on the sewer system.

The Southwest Treatment Plant Discharges to the Copper Slough Drainage Ditch which is tributary to the Kaskaskia River. Copper Slough Drainage Ditch has a seven-day, ten-year low flow of zero. The plant has a design average flow of 5 MGD. During wet weather, inflow and infiltration into the sewer system result in hydraulic overloading and bypassing.

The District is proceeding to construct improvements to the treatment plants and sanitary sewer system in order to improve effluent quality and to eliminate excessive infiltration and inflow problems.

The Facilities Plan for the District's Northeast Treatment Plant and Southwest Treatment Plant provides for expansion and improvements to increase design average flow capacity to 17.3 MGD and 5.9 MGD, respectively. The District asserts that contract

completion for construction of the upgraded facilities will be achieved by December, 1981. According to a progress report of January 2, 1981, submitted by the District in connection with the Construction Grants Program, construction of modifications for the treatment plants were 92.6% complete as of December 31, 1980, and According to Petitioner, upgrading of the sewer system is to be substantially completed by April 30, 1982.

The District alleges that a denial of variance would be an arbitrary and unreasonable hardship in that it would become ineligible for federal grant assistance. A federal grant offer had not been consummated at the time of the filing of the variance. Since costs of construction are nearly \$28 million dollars, and since none of the delays in construction have been caused by the District, the Board agrees.

Furthermore, the District alleges, and the Agency does not disagree, that no major health threat would be imposed by a granting of the variance and that the District has never been identified as having caused any such threat. Finally, were the variance to be denied, the District would not be able to proceed with improvements and compliance would only be further delayed.

The Board therefore finds that the variance should be granted as recommended.

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

ORDER

Urbana and Champaign Sanitary District is hereby granted a variance from Condition No. 1 and Condition No. 2 of PCB Order 77-271 to extend the time for completion of start-up operations to April 1, 1982, and from Condition No. 1 of PCB Order 79-50 to extend the termination date to June, 1982, subject to the condition set forth below:

Within forty-five 45 days of the date of this Order, the District shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and agreement to be bound by all terms and conditions of this variance. This forty-five day period shall be stayed for any period during which the matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

_____ hereby accepts and agrees
(Petitioner)
to be bound by all terms and conditions of the Order of the
Pollution Control Board in PCB 81-26, dated _____.

Petitioner

By: _____
Authorized Agent

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
was adopted on the 1st day of May, 1981 by
a vote of 4-0.

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