

ILLINOIS POLLUTION CONTROL BOARD
April 13, 1978

CITY OF WYOMING,)
)
 Petitioner,)
)
 v.) PCB 77-252
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a Variance Petition seeking relief from Rule 962(a) in Chapter 3. Petitioner has been on restricted status since May 26, 1971 (Ex.G) and here seeks to extend sewer service to the remaining 75 homes in the municipality not connected to the sanitary system. An Agency Recommendation, filed on October 29, 1977 urged that the Variance be denied. A public hearing was held in Wyoming on January 13, 1978.

The City sewage treatment plant has a design capacity of 0.2 MGD. Average daily flow, however, is 0.41 MGD; average dry weather flow is 0.25 MGD. Excess effluent is generally diluted by storm water. The loading of this plant is 1672 PE, which includes the two industrial users in the municipality. Petitioner's evidence shows the following averages over the last 14 months: BOD 44 mg/l; SS 37 mg/l; and ammonia nitrogen as N 10 mg/l. Latest EPA samples show compliance with Petitioner's interim NPDES standards of 40/40, and the more stringent federal standards of 30/30. Based on samples taken on November 7, 1977, effluent levels were BOD 30 mg/l; SS 20 mg/l; NH₃-N 1.5 mg/l.

Petitioner made an initial application to upgrade its sewage treatment facility in 1971. Wyoming holds NPDES permit No.0026336 and received Step I certification on November 19, 1977. Petitioner's Step II application has been made. Proposed improvements call for upgrading treatment and capacity to 0.25 MGD, rehabilitating existing sewer lines to reduce infiltration, and extending sewer service to the area known as the First Ward. The expanded sewage plant would be operational about January, 1980 (Ex.D).

It is the First Ward that is the subject of this Variance Petition. The First Ward is a residential neighborhood of approximately 75 homes and is the only unsewered area within the corporate limits. The Petitioner seeks to connect this area to the existing sanitary sewer system for several reasons: to generate additional revenues to pay for the local share in STP improvements; to alleviate hazards due to septic tank and cesspools in the First Ward and to stimulate residential construction in the municipality.

The local share of the sewer improvement program will be \$376,000. In 1971, a municipal referendum authorized \$250,000 in general revenue bonds to be used for this project, an amount only \$20,000 below the estimated municipal limit. By connecting the First Ward, additional revenue can be generated through connection and user fees. Furthermore, the average value of homes in the First Ward is estimated at \$5,000 to \$6,000 less than comparable homes in other parts of town, a difference attributable solely to the lack of sewers in that area (R.93). By allowing the First Ward connection, it is argued, property values would rise and generate increased bonding authority (R.96). Finally, the First Ward contains most of the available lots for residential development in Wyoming (R.102). The sewer ban limits residential development, which has an adverse effect on the economic well being of small communities such as Wyoming. Were the Variance granted, the Petitioner has demonstrated that ten homes could be built within the next two years (R.104). Without the Variance, construction will not be undertaken since it is unreasonable to install expensive septic systems and then require hookups when the new STP is complete. These new homes would also increase revenues to be used for financing the local share of Petitioner's construction grant. Testimony also showed that 20 jobs were presently unfilled at a local industry because of the lack of housing (R.108). Based on these factors, the Board finds that definite economic hardship would result if the variance were not granted.

An additional factor considered in granting the Variance is the problems reported due to existing septic tanks and cesspools in the First Ward. A high watertable, only 32" below ground during the last two years, has caused odor and back up problems in some homes. Connection to the sewer system, and any possible adverse effects there, would be a trade off of problems currently present with septic system operations.

The possible adverse effects attributable to the connection of the First Ward are increased possibilities of non-compliance and aggravated basement flooding in some areas of town where sewer surcharge occurs during wet weather. Since the First Ward would connect at the point furthest from the STP, the impact of the additional load on sewer surcharge would be felt through-

out the entire system. The Agency reports of basement flooding, however, are based largely on investigations conducted in 1972-73 before the municipality made improvements in the storm sewer system (R.139-140). The record shows that basement flooding continues but appears diminished in frequency (R.146).

Wyoming has a history of non-compliance, as even Petitioner's records show. However, the City has undertaken to improve its system. Downspout, street drain, and field pipe connections have been made to the separate storm sewer system as well. However, evidence of this was not in the Agency file (R.150). The municipality has demonstrated good faith by implementing recommendations made by the Agency after periodic inspections. As the November 7, 1977 Agency report indicated, the plant was "operating to the best of ability" and that design faults and plant obsolescence were the primary causes of operational problems. On that date, effluent standards were being met even though the estimated flow was greater than plant design capacity. A Department of Public Health survey in October and November of 1977 showed no surface discharge of sewage from septic systems (Ex.8).

In granting the Variance, it is necessary to assure that any harmful effects be minimized. The First Ward, if connections were made to all existing homes and those to be constructed in the next two years, would add 188 PE to the existing system. Because the system operated so close to the maximum effluent levels and there is a possibility of sewer surcharge, a condition of the Variance is that only those First Ward homes currently experiencing septic system or cesspool problems will be allowed to connect to the sewer extension during the term of the Variance. The municipality shall submit an address list of such homes to the Agency as part of its permit application and receive Agency consent to the connections. Those new homes constructed during the term of the Variance may also be connected in order to achieve the purpose of the Variance up to a maximum of ten. As a further consideration, the municipality must agree to utilize optimum operational techniques during the term of the Variance so as to assure compliance with applicable Federal effluent standards. While no discussion appears in the record, the use of polyelectrolytes for flocculating may improve sewage plant efficiency and should be studied and used if feasible.

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

Mr. Young dissents.

ORDER

It is the Order of the Pollution Control Board that:

The City of Wyoming is granted a Variance from Rule 962(a) of Chapter 3 for two years from the date of this Order or until its improved sewage treatment plant is operational, whichever occurs first, upon the following conditions:

- a. That only those existing homes in the First Ward that experience septic system and cesspool problems and those new homes to be constructed in the First Ward up to a maximum of ten will be allowed to connect to the sanitary sewer extension during the term of the Variance.
- b. That the municipality submit an address list of the existing homes to be connected during the term of the Variance to the Agency as part of its permit application. The Agency must consent to each specific connection to be made.
- c. That the municipality use optimum operational techniques during the term of the Variance to assure compliance with applicable Federal effluent standards.

Within 45 days of the date of this Order, the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of The Illinois Pollution Control Board in PCB 77-252 hereby accept said Order and agree to be bound by all the terms and conditions thereof.

_____ SIGNED
 _____ TITLE
 _____ DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of April, 1978 by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board