

ILLINOIS POLLUTION CONTROL BOARD  
March 15, 1973

CITY OF WYOMING )  
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 v. ) PCB 72-296  
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 ENVIRONMENTAL PROTECTION AGENCY )  
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

This is a petition for variance from Rule 405 of the Illinois Water Pollution Regulations which requires that no effluent shall exceed 400 fecal coliforms per 100 ml after July 31, 1972. Hearing was held on September 7, 1972.

The existing facility at Wyoming consists of a primary-secondary trickling filter type of sewage treatment plant with a design capacity of around 1800 P.E. and discharges to the Spoon River. Present loading, comprised of domestic and industrial wastes from a local slaughterhouse, is estimated to be near the design capacity of the plant. Portions of the collection system are in poor condition due to structural failure and storm and ground water infiltration thus causing excess flows and bypass problems during periods of wet weather. The population of the City is 1540. Three tests conducted by the Agency between February and June, 1972 showed a fecal coliform count ranging between 1.12 and .26 million per 100 ml.

In May, 1970, the City retained an engineering consultant to undertake a Comprehensive Sewerage Improvement Report which was finally adopted by the City in January, 1971. To assure the local share of financing, a \$250,000 bond referendum was passed in August, 1971. Federal and State Grant Applications for the \$10,000 remaining on the project are presently on file. The City is currently engaged in negotiations for the land necessary for the proposed plant.

Since July, 1970 the City has made certain efforts to locate and eliminate the sources of storm water and infiltration into the sanitary sewers. These efforts have included smoke testing, dye tests, closed circuit television inspection, replacement of sewer lines, installation of new storm sewer lines and removal of down spouts.

Observations during severe rainfall conditions has indicated that peak hourly flows and average daily flows have been reduced considerably because of some of those methods used to reduce the flow.

The proposed project provides for the conversion of the trickling filter process to a one-cell aerated lagoon followed by a mechanically equipped settling tank including chemical precipitation equipment. Additional revisions and modifications to the existing units and piping will also be undertaken. This will include chlorination facilities for design flows as well as wet weather flows. The design capacity for the new facility will be 2600 P.E. organic and 0.28 MGD hydraulic for average daily flows.

The final design of the proposed improvements was begun in November, 1971 with the execution of an engineering contract between the City and its engineering consultant. The delay in completing the plans and specifications was due primarily to the issuance of Revised Technical Policy 20-24 and the concerned need for supplemental treatment requirements for algae removal from tertiary stage stabilization lagoons. The project is expected to be completed by October, 1973.

The City takes the position that it would impose an extreme financial hardship if it would be required to install temporary chlorination facilities. The estimated cost of such facilities would be \$17,000 minus a salvage value of \$5,500 leaving a net cost of around \$11,500. The total operating budget for the City is \$13,000. There was testimony that it would take about six months to install such temporary chlorination facility. On that time schedule it would be almost October, 1973 before such temporary facility could be installed.

The Agency has recommended denial of this variance based upon lack of progress toward construction and lack of information on injury to the public resulting from a grant.

We cannot find the "arbitrary or unreasonable hardship" required under the Act for the Board to grant a variance (Sec. 35). It appears that the City could easily pay for the temporary facility from its own bond funds and then simply request an additional \$11,500 in grant funds. We realize that if the temporary facility were to be begun now it would not be ready until the expected completion date for the permanent facility. We also realize, however, that the hearing in this case was held on September 7, 1972 but that the petitioner did not file the 71-page transcript thereof with the Board until February 13, 1973, over five months later. If that transcript would have been filed earlier, then there would have been a definite benefit to be derived from installing the temporary facility.

The Board also takes judicial notice of a proceeding filed before it on March 7, 1973 by the Director of the Environmental Protection Agency (R73-4) stating that Federally funded projects for the Fiscal Year ending June 30, 1973 will be delayed a year because Federal

regulations and guidelines have not been published. Since the City of Wyoming needs at least \$10,000 in Federal funds (R.42) it seems apparent that the October 1973 completion date is no longer realistic but in fact may become October, 1974. Thus with possibly 19-months left before completion, the temporary chlorination becomes more feasible from a financial standpoint and will protect the public for a longer period. Should Wyoming decide to apply for full 75% Federal aid to the project the delay might be longer depending upon the priority rating it receives.

We would point out that it is not in Wyoming's interest to delay the permanent expansion. Even if it were to raise the needed \$10,000 itself it would be \$1,500 ahead over the net cost of temporary chlorination assuming this were also to come from its own funds.

We are also not satisfied with Wyoming's proofs in this case. No data were presented on the bacteriological effects upon the Spoon River (R.44) nor was any information given as to swimming usage in this river or water supply withdrawals. The Board realizes that a community of 1,563 cannot afford sophisticated proofs but more could have been done. Lastly, the Board has heard testimony in a similar case that temporary chlorinating equipment can be set up in a short time at low cost (City of Granite City v. EPA, PCB72-184, 371, February, 1973). The large costs seem to be in providing a contact chamber. Yet this record does not tell whether the out-fall pipe or the Spoon River can serve as the contact chamber to give the requisite 12-15 minutes detention time.

The petition for variance is denied without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of March, 1973 by a vote of 4-0.

