

ILLINOIS POLLUTION CONTROL BOARD  
August 15, 1985

CITY OF HOOPESTON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-36  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a petition for variance from 35 Ill. Adm. Code 306.304 filed by the City of Hoopeston ("Hoopeston") on March 25, 1985. Pursuant to the Board's request for additional information, Hoopeston filed an amended petition ("Petition") on May 20, 1985. Hoopeston seeks variance until July 1, 1988 from Section 306.304, which prohibits overflows from sanitary sewers. The Illinois Environmental Protection Agency ("Agency") filed its recommendations in this matter on July 2 and July 19, 1985, recommending that variance be granted with conditions. Hoopeston waived its right to hearing by its amended petition filed May 20, 1985.

Hoopeston is a city of 6,411 people located in Vermilion County, in east central Illinois. It owns and operates a collection system and treatment plant that treats wastes from commercial and residential users. The City seeks variance from 306.304 so that it may allow sewer bypassing to occur at four locations in the northeast part of town (manholes 113, 149, 172A and 189) during wet weather periods. Hoopeston alleges that during such periods it experiences sewer surcharging, which causes sewage to overflow from manholes and damage to private property resulting from basement floodings. According to Petitioner, inadequate capacity exists in the sewer system in that section of the City to transport peak flows following "frequent storm events" (Petition, p. 6). Hoopeston states that these sewers serve an older area of the City which is practically devoid of storm sewers, and as a consequence is prone to flooding by surface waters following heavy rains.

Petitioner admits "Circumstantial evidence suggests that some roof and yard drains as well as sump pumps may be introducing storm water to the sanitary sewers in violation of the City's sewer use ordinance" (Petition, p. 20), but contends that elimination of such inflow sources will not eradicate the need for additional permanent facilities nor obviate the need for the requested relief. Hoopeston expresses its intent to independently address the inflow problem, and notes that this action "will help to minimize the frequency and severity of

surcharges and resulting bypasses" (Petition, p. 20).

Hoopeston recently completed an evaluation of three alternative permanent solutions to its sewer surcharging problem. Although no plan has of yet been approved by the Agency, Petitioner's analysis determined that the most cost effective solution would be the construction of an excess flow pump station and a lagoon to store excess flows following a storm. Under this plan the stored flows would later be returned to the sanitary sewers for eventual transport to Hoopeston's treatment plant. Petitioner's schedule for implementing these changes calls for construction to be completed by July, 1988, the end of the period for which Hoopeston seeks variance. The Agency by its amended recommendation of July 19, 1985, offered for Hoopeston's consideration the option of building an interceptor sewer to the treatment plant rather than a lagoon. The Agency believes that either option would be adequate.

During the period of construction of remedial facilities Hoopeston proposes to alleviate its sewer surcharging problem by constructing and operating high level overflow structures at each of four manholes located at intersections of the sanitary and storm sewers in the northeast section of town. The structures would be removed within three years, at conclusion of the construction program. The overflows would allow bypassing from the sanitary sewer into the storm sewer during "heavy" rainfall; Petitioner believes that more than one inch of rainfall will be necessary to cause surcharging serious enough to warrant bypassing. An existing storm sewer would transport the wastewater through the City to an outfall located at the southwest edge of Hoopeston. From there an open waterway flows 3,000 ft. southwest to the Main Drainage Ditch, which flows southeast two miles to the North Fork of the Vermillion River.

Hoopeston alleges that only minimal incremental adverse effects to the receiving stream will result from this variance, and the Agency agrees with this contention. Hoopeston asserts that by operating the bypasses only during heavy rainfall and keeping bypass frequency at a minimum, the harmful effect of sewer overflows on the quality of the receiving water will be minimized. The Agency agrees that during the pendency of the variance the status quo of little apparent environmental impact on the receiving stream would be maintained, and further agrees with Hoopeston's contention that the inaccessibility of the open waterway should prevent any direct contact problems.

The purported principal advantage to Hoopeston's interim plan is the minimization of basement flooding. Hoopeston claims that denial of its petition for variance would cause it to endure an arbitrary or unreasonable hardship, as the estimated annual cost resulting from basement flooding in Hoopeston is \$410,000 (Petition, p. 21). Petitioner further notes that uncontrolled overflows from sanitary manholes would otherwise occur until general system upgrading is completed, which will not occur for

several years, and thus that granting of the variance would also minimize public exposure to raw untreated sewage.

The Board finds that denial of variance in this instance would constitute an arbitrary or unreasonable hardship to Petitioner, and therefore grants variance to Hoopeston, subject to conditions. Hoopeston residents are frequently subjected to the hazards of basement flooding and in fact the City is at present being sued in two separate actions as a result of these occurrences. Since any adverse environmental impact occurring as a result of the proposed variance will be minimal, granting variance relief as requested by Hoopeston is a reasonable temporary manner of alleviating its sewer surcharging and basement flooding problems.

The Board also finds that addressal of Hoopeston's inflow problem constitutes an activity necessary to minimize environmental impact during the pendency of the variance, and accordingly conditions the variance with a program to reduce inflow.

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

#### ORDER

The City of Hoopeston is hereby granted variance beginning this day from 35 Ill. Adm. Code 306.304, subject to the following conditions:

1. Variance shall begin on the date of this Order and shall terminate on July 1, 1988, or upon completion of either an interceptor sewer or a surplus flow lagoon to serve the northeast portion of the City, whichever occurs first.
2. Variance shall allow the construction of high level overflows in manholes 113, 149, 172A and 189 only. No other sanitary sewer overflows are allowed except the treatment plant bypass discharge specified in NPDES permit number IL0024830.
3. Upon completion of the interceptor sewer or the surplus flow lagoon, the high level overflows shall be blocked or otherwise removed from service so that no discharge from them may occur.

4. Petitioner shall meet the following schedule concerning construction of either the surplus flow lagoon option or the interceptor sewer option:
  - A. Complete Final Design, Acquire Land and Easements 09/30/86
  - B. Commence Construction 03/30/87
  - C. Complete Construction 06/30/88
5. Petitioner shall obtain any necessary permits from the Agency prior to commencement of construction.
6. Petitioner shall conduct an inspection of its sanitary sewer system to identify sources of flow due to downspouts, yard drains, footing drains, and other extraneous inflows. Such inspection shall be completed by November 30, 1985. The inflow problem shall be eliminated by November 30, 1986, to the extent feasible.
7. Petitioner shall submit to the Agency quarterly reports with its March, June, September and December Discharge Monitoring Reports stating the progress it has made with regard to construction and removal of flows from extraneous sources.
8. Petitioner shall execute and submit a Certificate of Acceptance in the following form:

CERTIFICATION

We, the City of Hoopeston, hereby accept and agree to be bound by all terms and conditions of the Opinion and Order of the Pollution Control Board in PCB 85-36.

City of Hoopeston

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

The Certification shall be sent to the following address:

Illinois Environmental Protection Agency  
Division of Water Pollution Control  
Compliance Assurance Section  
2200 Churchill Road  
Springfield, Illinois 62706  
Attention: James Frost

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 15<sup>th</sup> day of August, 1985, by a vote of 7-0.



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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board