

ILLINOIS POLLUTION CONTROL BOARD
August 22, 1984

CITY OF WYOMING,)
)
) Petitioner,)
)
) v.) PCB 84-17
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

This matter comes before the Board upon the filing on February 9, 1984 of a petition for variance from 35 Ill. Adm. Code 309.241 by the City of Wyoming (City). The City has been on restricted status since May 26, 1971 and requests relief to enable it to connect approximately 65 remaining homes of the first ward to the sanitary sewer system. In response to a Board more information Order dated February 22, 1984, the City filed an amended petition on April 5, 1984. The Illinois Environmental Protection Agency (Agency) filed an initial recommendation to deny variance on May 14, 1984. The City submitted additional information to the Agency on May 29, 1984. In its amended recommendation of June 11, 1984 the Agency suggested granting the variance subject to conditions. Two objections were received from concerned citizens and a public hearing was held in Wyoming, Illinois on June 13, 1984.

The City of Wyoming has a population of 1614 residents. The City's wastewater treatment plant (WWTP) has a design average flow of 0.2 MGD and a 1983 average daily flow of 0.27 MGD. Peak wet weather flow is 0.566 MGD.

Previously the City was granted variance to allow extension of sanitary sewer service to the first ward and connection of a limited number of homes to the sanitary sewer system (30 PCB 11, April 13, 1978, PCB 77-252). During 1980-81 the City upgraded the sewer lines with an Agency construction grant. Both the peak flow rate and the total volume of storm water to the sanitary sewers were reduced.

Currently the WWTP is being upgraded and a trunkmain segment is being replaced pursuant to a \$1,831,990 grant from the USEPA through the Agency (Amend. Pet., Attach. B). The WWTP will include tertiary filtration and aerobic sludge treatment.

Another grant project is being financed by the U.S. Department of Housing and Urban Development (HUD) through the Illinois Department of Commerce and Community Affairs (DCCA). This \$390,000 grant provides for the connection of 65 residences to the City's sanitary sewer system (Amend. Pet., Attach. B). The City's share of the project is \$727,663 which was financed by general obligation and revenue bonds.^{1/} The grant application was submitted on May 2, 1983 and approved on August 15, 1983 by DCCA. The grant expires on August 31, 1984 (Amend. Pet., Attach. B, C, D) but a grant extension may be possible (Agency Rec. at 6).

The City requests a variance so it may connect the remaining 65 residences of the first ward to the sanitary sewer system. The connections will add 228 population equivalents or 22,800 gallons per day (0.0228 MGD) to the WWTP (Amend. Pet. at 3). Currently these residences in the northern part of the City use individual septic systems. The Illinois Department of Public Health has determined that a health hazard exists because of sewage discharges to storm sewers and open ditches (Amend. Pet., Attach. F).

Residences to the south of those waiting to be connected are experiencing basement back-ups during high wet weather flow. The Board notes that this also is a health hazard. The 15 inch diameter trunkmain segment from the WWTP to manhole #4 is inadequate for the flow and limits the transport capacity of the trunkmain. Basement back-ups originate from approximately manhole #4 and move north along the trunkmain. A 24 inch diameter segment is to replace the 15 inch diameter segment and thus relieve and hopefully eliminate the back-up problems. Transport capacity is also limited between manhole #15 and #16A but may not contribute to basement back-ups. If back-ups persist after the trunkmain replacement between the WWTP and manhole #4, this second area will have to be corrected.

Petitioner must show that compliance with the Board's rules and regulations would impose an arbitrary or unreasonable hardship. Ill. Rev. Stat. 1983, ch. 111 $\frac{1}{2}$, par. 1035. The City asserts that it would lose the \$390,000 in grant money from DCCA and that it would have to construct the sewers at its own expense if the variance were denied. However, it appears that an extension of the grant period could be obtained (Agency Rec. at 6). Even if the extension was denied and the grant project not completed on time, the loss of grant money would be limited to the cost of design (Agency Rec. at 3).

The City has been on restricted status since 1971. All liabilities have accrued subsequent to imposition of restricted status. To the extent there is any economic hardship, it is

^{1/} The grant application provides that the City's share is \$727,663 (Attach. B) while DCCA's letter provides the figure of \$727,633 (Attach. H-1).

self-imposed. However, completion of the total program could provide a solution to a problem that has plagued the City for over a decade, thereby eliminating one health hazard and greatly reducing another. The Board does not agree with the City's statement that "the positive aspect of relieving the first ward residents of a health hazard greatly offset the few basement backups" (Amend. Pet. at 4). The residents experiencing basement back-ups should not be forced to bear increased back-ups due to the 65 connections. The sewer connections should eliminate the health hazard associated with septic systems while the trunkmain upgrading should greatly reduce the health hazard of basement back-ups (Agency Amend. Rec. at 3). To ensure that basement back-ups are not worsened, the Board will impose as a condition of the variance that the trunkmain upgrading is in fact accomplished before any connections are allowed. Presently the trunkmain is scheduled for completion in December, 1984. The City may be able to move that date up. By using this approach there should be little additional adverse environmental impact. A further condition will require the City to study whether basement back-ups continue after the trunkmain upgrading and take steps to eliminate them.

Furthermore, the Board is aware that simple, inexpensive water conservation practices and devices can be of great use to cities with sewer and WWTP problems. Reducing residential and commercial water consumption can significantly reduce pressure on treatment plants. While in this case the Board will not order the installation of water conservation measures, the City will be required to obtain free information on the subject for its officials. Any decision to promote, encourage, or require such devices will be left to the City.

Any economic hardship in this case is clearly self-imposed. However, the hardship situation resulting from the septic systems and basement back-ups poses a threat to the public health and welfare. These problems can be corrected or improved by sewer connections and trunkmain expansion. The Board holds that the denial of the variance, which would delay this project until the WWTP is removed from restricted status, would impose an arbitrary or unreasonable hardship on the City of Wyoming.

The City of Wyoming is granted a variance from 35 Ill. Adm. Code 309.241 subject to the conditions below.

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

ORDER

The City of Wyoming, Illinois is hereby granted a variance until July 1, 1987 from 35 Ill. Adm. Code 309.241 subject to the following conditions:

1. The 15 inch diameter trunkmain segment shall be replaced by a 24 inch diameter trunkmain segment between the wastewater treatment plant and manhole #4 before any connections to the sanitary sewer system are allowed.
2. No more than 70 homes shall be connected to the sanitary sewer extension until the WWTP is removed from restricted status.
3. Petitioner shall, by July 1, 1985, perform a study to determine whether basement back-ups caused by sewer surcharging have continued beyond the completion date of the trunkmain upgrading and, if so, describe the measures to be taken to eliminate those basement back-ups. Measures to be considered include, but are not limited to, installation of water saving devices, control of infiltration/inflow, and construction of relief sewers. A copy of this report shall be provided on or before July 10, 1985 to the following: Illinois Environmental Protection Agency, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.
4. The City shall provide information on water conservation to each elected city official, to appointed department heads, to the officials in charge of the wastewater treatment plant and water treatment plant and to the local media outlets. Free "Water Conservation Packets" may be obtained from: Mark Enstrom, Illinois Department of Commerce and Community Affairs, 630 E. Adams, 5th Floor, Springfield, IL 62701; (217) 785-6158.
5. Petitioner shall complete any and all measures deemed necessary to eliminate basement back-ups caused by sewer surcharging, based upon its study, on or before July 1, 1987, at which time this variance expires.
6. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Compliance Assurance Unit, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period during which this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We) _____, having read the Order of the Illinois Pollution Control Board in PCB 84-17, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Date

Title

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 22nd day of August, 1984 by a vote of 6-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board