

ILLINOIS POLLUTION CONTROL BOARD

October 25, 1973

WAUKEGAN ICE ARENA, INC. )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 73-302  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioner requests variance from Order No. 7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, which prohibits further connection to sewers of the North Shore Sanitary District until the District demonstrates that it can adequately treat the waste from those new sources. Petitioner wishes to connect a new ice arena to the sanitary sewer tributary to the Clavey Road Sewage Treatment Plant, owned and operated by the North Shore Sanitary District (NSSD).

On June 13, 1973 Petitioner signed a contract for the purchase of about 10 acres of land near Greenbay Road and Grand Avenue in Waukegan. Petitioner proposes to build a commercial ice arena on the land and states that it has already expended \$100,000 for the development. The expenses include "\$50,000 in the form of an irrevocable letter of credit deposited as non-refundable earnest money" and "\$16,000 deposited in the form of a non-refundable mortgage standby fee in connection with the financing" of the land purchase. Petitioner alleges that mortgage financing for the ice arena is contingent upon the availability of a sanitary sewer, without which Petitioner would be unable to complete its contractual obligations and would forfeit all sums invested and deposited.

Petitioner further claims that the granting of the variance would impose no hardship on the general public since the proposed use would "merely entail the introduction into the sanitary sewer system of human waste and minimal water in conjunction with toilet facilities of a population equivalent of eleven (11), approximating an addition to the system of less than three (3) single family residences".

The Clavey Road plant is a secondary treatment plant which until recently had a design average capacity of 4.5 MGD and maximum secondary treatment capability of 6.0 MGD. Flows in excess 6.0 MGD received only primary treatment and were then combined with secondary treated sewage prior to being discharged into the plant's aerated lagoon. Effluent from this lagoon is chlorinated prior to being discharged to the Skokie Ditch. The plant was overloaded with flows averaging 7.8 MGD during the first eight months of 1973.

The EPA now informs us that "10 million gallon per day capacity is presently possible. Full secondary treatment (18 MGD) expected by March 1, 1974. Advanced treatment by September 1, 1975". With this added capacity we believe we can continue to ease the sewer ban in individual cases. Here, some personal hardship exists. In addition, the connection of the ice rink to the sewer system will apparently not result in a large net increase in the load on the North Shore Sanitary District. The ice rink is to be located well within the boundaries of the North Shore Sanitary District and will probably draw most of its patrons from that area. Net increase in hydraulic load on the sewer system is likely to be small. Since construction of the ice arena has not even commenced, it is possible that the Clavey Road Plant will be giving full secondary treatment before this ice arena is actually put to use. We will, therefore, grant the variance.

ORDER

It is the order of the Board that Petitioner Waukegan Ice Arena, Inc. be granted variance from Order No. 7 of League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, for connection of its proposed ice rink to the North Shore Sanitary District's sewer.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 25<sup>th</sup> day of October, 1973 by a vote of 5 to 0.

  
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