

ILLINOIS POLLUTION CONTROL BOARD
June 27, 1972

DOWNERS GROVE NATIONAL BANK,)
TRUSTEE UNDER TRUST #71-6)
) #72-195
)
v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

MR. JACK E. BOWERS, ON BEHALF OF PETITIONER
MR. DENNIS FIELDS, ASSISTANT ATTORNEY GENERAL, ON BEHALF OF RESPONDENT

OPINION OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

A petition was filed with the Environmental Protection Agency on May 8, 1972 seeking a variance to construct extension sewage lines to the International Villages development, and to connect said lines to the present sewage treatment plant of the Village of Bolingbrook. This sewage treatment plant has a design capacity of 5,000 population equivalent (P. E.). As of February, 1972, the plant had an actual load of 1,250 P. E., but permits have already been issued for an additional 3750 P. E., the remainder of this plant's present load capacity. Petitioner seeks to connect an additional 475 living units, adding approximately 1130 P. E. to the sewage treatment plant.

For the following reasons, this Board, in its Order of June 20, 1972, granted such permission. This opinion supports said Order.

In a letter to petitioner on February 7, 1972, the Environmental Protection Agency expressed its intention to deny any additional permits for hook-ons to the Bolingbrook sewage treatment plant. This action was taken pursuant to the Agency's policy of refusing additional permits for new living units in a situation where the design capacity of a sewage treatment plant has already been committed. However, subsequent events have demonstrated that in this particular case, a permit can be granted without violating the spirit of that policy.

The evidence shows that no threat of pollution exists from granting such a permit. The Bolingbrook Service Corporation has initiated a program to expand its sewage treatment plant to 15,000 P. E., which expansion is to be completed by October of 1972. Also, the sewage treatment plant is not now overloaded, although permits have been granted for additional units which, when occupied, will consume this plant's present load capacity. Most of this permitted additional load involves approved large subdivisions, which capacity, it is estimated, would not be utilized for at least three years (R. 5).

Further, the Board of Trustees of the Village of Bolingbrook has passed a resolution by which the Village will issue no certificates of occupancy for any new dwelling unit until there is sewage treatment capacity sufficient to receive the additional load.

In light of this Resolution, to deny a permit to petitioner would constitute an unreasonable hardship. Petitioner has received a commitment from the Illinois Housing Development Authority for a \$10,000,000 mortgage for the first phase of its housing development. A condition to the financing arrangement is that petitioner have an unqualified right to construct and connect extension sewage lines from the housing units to the sewage treatment plant of Bolingbrook. Failure to obtain a permit for such from the Environmental Protection Agency could mean loss of this financing.

By granting a permit for petitioner to construct access sewage lines to 475 new living units and to connect these lines to the present sewage treatment plant, we remove a serious threat to the successful financing of this housing project. By conditioning our action upon the continued adherence of the Village of Bolingbrook to its Resolution that it will permit no occupancy of new living units until sufficient sewage treatment capacity is available, we remove the threat of pollution posed by granting such a permit.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion was adopted on the 27th day of June, 1972, by a vote of 5 to 0.

Christan I. Moffett