

ILLINOIS POLLUTION CONTROL BOARD
September 16, 1971

Gages Lake Sanitary District)
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Environmental Protection Agency)

PCB 71-104

Mr. John F. Williams, Attorney for Gages Lake Sanitary District

Opinion of the Board (by Mr. Kissel):

On May 11, 1971, the Gages Lake Sanitary District (the "District") filed a Petition for Variance with the Board asking for relief from the deadline date of July 1, 1972, for meeting improved effluent criteria at the District's treatment facilities. Basically, the reason the District seeks the delay is that it has signed a contract with Lake County whereby the County has agreed to take over the District's plant and other plants in the vicinity, and eventually replace these plants with a regional sewage treatment plant. The District's position is that it should not unnecessarily spend money now to update its treatment plant when the plant will be replaced in the near future by a larger regional plant owned and operated by the County. The Petition pointed out that the regional plan would not be put in effect unless the Village of Grayslake was also a signatory to any agreement between the County and the District. On May 12, 1971, the Board ordered that the Village of Grayslake and Lake County be made parties to this proceeding because their participation was considered "indispensable to a complete resolution of the controversy". See the opinion in this case dated May 12, 1971. Both added parties were ordered to file pleadings, but neither party complied, although both added parties did appear and testify at the hearing which was held in Waukegan on August 11, 1971. The Agency, however, did not appear at the hearing. The Board received a letter from the Agency dated September 1, 1971 asking for a supplementary hearing because the attorney assigned to the case by the Agency was out of town when the hearing was held.

The recent past history of the District shows that in February of 1969 the District's consulting engineers recommended to the District that its plant should be expanded and tertiary treatment installed.

In September, 1969, the engineers were authorized by the District to go ahead with the plans for the \$1.1 million addition to the plan. But the District was not to go ahead with the program, and this lack of progress caused them to lose a federal grant which had been approved. It was money which prohibited the District from going ahead - that is, the District officials did not believe that the District could finance such an expansive program without substantial assistance from other governmental units.

The District began discussions with Lake County in 1968 about the possibility of the County taking over the District's plant. The people living in the District were, according to a witness, "incensed" about the idea. But the District's trustees apparently realized that the District could not finance any needed expansion, so they continued to press the take-over by the County even though citizen pressure would have dictated otherwise. On December 3, 1970, a public meeting was held on the County take-over proposal, and 75 people showed up. About half favored the take-over. After the public hearing, the District trustees voted to sign an agreement with the County. The agreement provided that immediately the County would provide a certified operator for the District's plant and build a larger treatment plant (an area-wide one) on the DesPlaines River. The agreement, however, was conditioned on the signing of the agreement by all of the other affected communities. That condition has not been met because the Village of Grayslake has not signed the agreement. This area-wide, or regional, plan is one which was conceived and fostered by the Northeast Illinois Planning Commission.

The Village of Grayslake, through its mayor, testified that it would be a "couple of more weeks" before the Village would know whether it will sign the agreement. Without the Village's signature, the agreement reached by the County and the District is worthless. We think that based upon the evidence in the record and the fact that this Board favors the regional approach in sewage treatment, that agreement should not fail for the want of the signature of the Village of Grayslake, unless in a further hearing the Village, or anyone else who wishes to participate, can demonstrate that there is good cause why the regional concept should not be accepted here.

We therefore shall require further hearing on this entire matter at which time the following shall occur:

1. The County shall present evidence to the Board on how the regional plan shall be implemented, including specifics on costs, and time schedules;

2. All parties and members of the public who desire to do so, may present evidence at the hearing to demonstrate that there is good cause why the regional plan proposed by the Northeastern Illinois Planning Commission and the County of Lake should not be ordered to be implemented by the Board;
3. The Agency shall participate in the hearing as a party and shall offer such necessary recommendations regarding the plan as it shall see fit; and
4. The Board shall make such an order as it deems appropriate after the hearing or hearings have been completed.

I, Regina E. Ryan, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above Opinion on the 16 day of September, 1971.


