

Without a variance Petitioner's alternatives are to resubdivide the subdivision to allow for larger lots to allow for private septic systems. This is a time consuming, expensive process. Also, the poor soil conditions may not accommodate a septic system. Or Petitioners might disconnect the property from the Village of Kildeer and seek annexation by Lake Zurich which does not presently have the capacity to accept the flow which would be generated by the subdivision. Petitioners contend that the hardship and expense associated with these alternatives far outweighs any environmental improvement which would result.

The Board concludes that denial of this variance would constitute arbitrary or unreasonable hardship on Petitioners. The reasoning in Bloomingtondale must be employed in this matter to avoid inequitable results. Relief will be granted from Rules 404(f) and 402 so that the Agency may issue a NPDES permit to Petitioners.

Petitioners and the Agency asked that the variance run for a five year term. In order to maintain consistency with the Order in Bloomingtondale, the variance shall terminate on October 19, 1983.

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

ORDER

- 1) Petitioner is hereby granted a variance from Rule 402 (as it pertains to dissolved oxygen), of Chapter 3: Water Pollution, until October 19, 1983.
- 2) Petitioner is hereby granted a variance from Rule 404(f) of Chapter 3: Water Pollution until October 19, 1983 or until the Board takes final action in R77-12, Docket C, whichever occurs first.
- 3) During the term of this variance the discharge from Petitioner's wastewater treatment facility shall be limited to 10 mg/l BOD and 12 mg/l suspended solids as 30 day averages.
- 4) Upon completion of the sanitary sewer system in the Village of Kildeer, Petitioners shall immediately tie into that sewer system and dismantle and remove the package plant.
- 5) Prior to start up of the package plant, Petitioners shall notify the Agency of the qualifications and classification of the operator(s) of the plant and notify the Agency of any changes.

- 6) The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with the terms of this Order including terms and conditions consistent with best practicable treatment, operation and maintenance of Petitioner's facilities.
- 7) Within 45 days of the date of this Order, Petitioner shall execute a Certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed.

CERTIFICATION

I (We), _____ having read and fully understanding the Order in PCB 79-118 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
 TITLE _____
 DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26th day of July, 1979 by a vote of 4-0.

Christan L. Moffett *LD*
 Christan L. Moffett, Clerk
 Illinois Pollution Control Board