

intends to start construction this spring with completion in summer, 1980. Petitioner contends that there is no feasible alternative scheme for wastewater treatment.

Petitioner claims that if construction is not started this spring, it will lose the necessary HUD commitments. This would deprive the eligible families in the Alorton area of badly needed "decent affordable housing". The project will increase the amount of available area rental units by 20% and will double the number of subsidized rental units. In addition an initial investment of \$150,000, anticipated fees of \$1,600,000, a return on equity of \$1,313,000, tax benefits of \$5,900,000, local tax revenues of \$1,600,000 and \$28,000,000 in housing assistance payments will be foregone. Petitioner estimates that the project will have an indirect economic impact on the community of 4 to 5 times the construction cost (\$6,400,000). This economic impact is considered essential for the future survival of the area.

The Agency has confirmed that the Cahokia treatment plant has adequate capacity to handle the project's wastewater. This plant will be replaced by a regional plant in nearby Sauget which should be completed by June, 1983. The Agency describes the sewers tributary to the Cahokia plant as "severely distressed" with local subsidence and collapse in some instances. Leakage is causing sewage to back up in homes during wet weather. Raw sewage is being discharged to local drainage channels in dry weather. The system is expected to be rehabilitated by the time Petitioner's project is ready for occupancy. The Agency has described the proposed car wash as "non-essential" and has asked that its use be prohibited until the sewer improvements are completed. Once the sewer improvements are finished, the Cahokia treatment plant is scheduled for removal from the restricted status list.

Denial of this variance would constitute arbitrary or unreasonable hardship on Petitioner. Planning for the project preceded the imposition of restricted status. The project can reasonably be expected to have a significant beneficial impact on a depressed area. Since the project will have negligible adverse impact, if any, on the sanitary conditions in the area and will probably result in healthier conditions for its residents, it should not be jeopardized. The Board agrees that the proposed car wash should not be operated until the receiving sewers have received the sorely needed improvements.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from Rule 962(A) of Chapter 3: Water Pollution of the Board's Rules and Regulations

subject to the following conditions:

- 1) Petitioner shall obtain all necessary Agency construction and operating permits.
- 2) Petitioner shall be prohibited from allowing use of the proposed car wash until the Cahokia sewer system rehabilitation project is completed and the Cahokia sewage treatment plant is removed from restricted status by the Agency.
- 3) Within 45 days of the date of this Order. Petitioner shall execute a Certification of Acceptance and Agreement to be bound by the terms of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order in PCB 79-27, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
 TITLE _____
 DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 15th day of March, 1979 by a vote of 5-0.

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