

ILLINOIS POLLUTION CONTROL BOARD
October 13, 1977

THE PRESBYTERIAN HOME,)
)
Petitioner,)
)
v.) PCB 77-215
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)
)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

This matter comes before the Board on a Petition for Variance from Rule 602(a) of Chapter 3: Water Pollution of the Board's Rules and Regulations. The Agency has recommended that the variance be granted subject to the condition that Petitioner apply for and receive all necessary permits.

Petitioner is a not-for-profit religious organization which operates a 40 acre health care facility for the elderly in Evanston.

Petitioner requests relief so that it can build a combined sewer as part of a remodeling program. Petitioner could construct separate storm and sanitary sewers but this would cost approximately \$25,143 instead of \$8,089 for a combined system. There is no evidence in the record of any basement flooding in the vicinity of Petitioner which would necessitate construction of separate systems.

This case is similar to variances granted by the Board in Mary Ann Nowak v. EPA, PCB 76-193 (November 10, 1976); City of Calumet v. EPA, PCB 76-318 (February 3, 1977); Near North Development Corporation v. EPA, PCB 77-78 (May 26, 1977); Orchard and Vine Corporation v. EPA, PCB 77-65 (May 26, 1977); and Harry Weese and Associates v. EPA, PCB 77-140, (August 4, 1977). In those opinions, the Board emphasized the fact that the construction of separate sewer systems to serve the residential areas in question would serve no purpose since flows would eventually discharge into the combined sewer system which flows to the Northside Sewage Treatment Plant operated by the Metropolitan Sanitary District of Greater Chicago (MSDGC). The same situation exists here. The Board also noted that ultimate compliance would be achieved by the construction of the MSDGC Tunnel and Reservoir Project (TARP).

Without conceding that TARP represents an economically practical or technologically feasible compliance plan, the Board agrees that TARP is an adequate plan at this time.

Compliance with Rule 602(a) at this time would impose an arbitrary and unreasonable hardship upon Petitioner.

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

ORDER

Petitioner is hereby granted a variance from Rule 602(a) of Chapter 3: Water Pollution of the Board's Rules and Regulations subject to the following conditions:

- 1) Petitioner shall apply for and receive all necessary Agency permits.
- 2) Within 35 days of the date of this Order, Petitioner shall submit to

The Manager of the Variance Section
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Springfield, Illinois 62706

an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____, having read Order of the Pollution Control Board in PCB 77-215, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Signed by _____
 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 13th day of October, 1977 by a vote of 5-0.


 Christan L. Moffett, Clerk
 Illinois Pollution Control Board