

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1977

MAPLE HILL NURSING HOME,)
)
 Petitioner,)
)
 v.) PCB 77-202
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on the petition filed July 25, 1977 by Maple Hill Nursing Home (Maple) seeking variance from Rule 404(f)(ii) of Chapter 3: Water Pollution. The Agency recommendation favorable to the grant of the variance was filed on September 6, 1977. No hearing was held.

Petitioner operates a nursing home in Long Grove, Illinois. The facility has a sewage treatment plant consisting of a comminutor and a two cell lagoon. The design capacity is 15,000 gallons per day, with effluent being discharged into Buffalo Creek. Maple's effluent exceeds the Rule 404(f)(ii) limitations of 10 mg/l BOD and 12 mg/l suspended solids and has reached 74 mg/l BOD in March 1977 and 16 mg/l suspended solids in April 1977.

Maple is currently building an addition to its nursing home which will increase the capacity from 97 to 151 beds. (It is not clear from the record when this addition will be complete.) Current discharge to the treatment facility averages 12,000 gallons per day, and the expansion will bring the treatment plant up to its design capacity. No substantial change in effluent quality is expected since the treatment plant consists of lagoons rather than a mechanical system.

Maple is located 2-1/2 miles from the nearest sanitary sewer connection, and it would cost Maple approximately \$184,000 to presently construct a private sewer line for 2-1/2 miles. As an alternative, Maple could upgrade its treatment plant at a cost of approximately \$150,000.

The Lake County Department of Public Works is planning to construct an interceptor sewer along Route 53 which will come within 1/4 mile of Maple's treatment facility. Construction is expected to begin next spring and to last approximately one year. The cost to Maple of connecting to the planned interceptor sewer is estimated to be \$15,000.

The Board finds that Maple would suffer an arbitrary or unreasonable hardship if it were forced to choose either currently available alternative. The availability of a sewer in 18 months, which would allow compliance by Maple at one-tenth the cost of currently available alternatives, is clearly the deciding factor. Hence, the Board will grant the variance for a period of 18 months, subject to certain conditions.

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

ORDER

The Petitioner, Maple Hill Nursing Home, is granted a variance for its sewage treatment plant from Rule 404(f)(ii) of Chapter 3: Water Pollution Control Regulations until June 1, 1979, subject to the following conditions:

1. Petitioner shall not exceed the design capacity of the existing treatment plant of 15,000 gallons per day.
2. Petitioner shall continue to submit discharge monitoring reports as required by its NPDES permit.
3. Petitioner shall operate the existing treatment facility as efficiently as possible.
4. Petitioner shall obtain the necessary permit for the sewer to be installed between the facility and the interceptor and shall connect to the interceptor sewer as soon as possible.
5. The variance will terminate when connection is made and operation is possible.
6. Within twenty-one (21) days of the Board's final Order herein, the Petitioner shall forward to the Illinois Environmental Protection Agency, Variance Section, Manager, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706, and to the Illinois Pollution Control Board, 309 W. Washington St., Chicago, Illinois 60606, a Certification of Acceptance and Agreement to be bound by all terms and conditions of the variance. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Pollution Control Board in PCB 77-202 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board