

ILLINOIS POLLUTION CONTROL BOARD  
January 23, 1975

ELMHURST COUNTRY CLUB, )  
Petitioner, )  
 )  
v. ) PCB 74-354  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent, )

Mr. Lawrence X. Pusateri, appeared on behalf of Petitioner;  
Mr. John T. Bernbom, appeared on behalf of Respondent.

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

Petitioner filed a petition for variance on September 30, 1974. On October 11, 1974, the Board required petitioner to submit an amended petition for variance stating the specific rule or regulation from which a variance was requested. On October 28, 1974 petitioner amended its variance petition specifically requesting a variance from Rule 404(a) of the Water Pollution Regulations. On November 25, 1974 the Environmental Protection Agency (Agency) filed its recommendation to deny the variance request. No hearing was held.

Petitioner owns and operates the Elmhurst Country Club, consisting of an 18-hole golf course with a clubhouse containing a lounge and restaurant. The Country Club is open seven days per week. Approximately 12,000 gallons per day of sewage are produced at the Country Club. Petitioner has an existing extended aeration treatment facility. The sewage treatment plant was designed to treat 15,000 gallons per day. The effluent from petitioner's sewage treatment plant is discharged to Salt Creek. Petitioner must meet the effluent standard of 30 mg/l BOD and 37 mg/l of suspended solids found in Rule 404(a) of the Water Pollution Regulations.

Petitioner alleges that it is engaged in negotiations with the Village of Addison preparatory to diversion of its wastewater to the Village of Addison sewage treatment system and the subsequent abandonment of petitioner's sewage treatment plant. Petitioner is also investigating the possibility of modifying its treatment plant in order to comply with Rule

404(a) in the event that petitioner does not divert its wastewaters to the Village of Addison. Petitioner alleges that compliance with Rule 404(a) would require an expenditure of approximately \$100,000, which would be totally lost should it elect to divert flows to the Village of Addison sometime in the future. Petitioner further alleges that the injury to the public would be minimal because of dilution present in Salt Creek.

The Agency stated that it conducted an investigation of petitioner's sewage treatment plant on October 24, 1974 and found that the facilities were "completely out of service and it appeared that they had been out of service for some time". The Agency characterized petitioner's effluent as "murky grey and septic". In addition, petitioner has been without a treatment plant operator for the past year.

The Board finds that a petitioner who seeks a variance should be exhibiting good faith. At a minimum, this means that the Country Club should operate its sewage treatment plant to obtain the best effluent possible. It has disregarded its obligations. For this reason, the Board has decided to deny petitioner's request.

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

ORDER

Petitioner's request for a variance from Rule 404(a) of the Water Pollution Regulations is hereby denied without prejudice.

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 23<sup>RD</sup> day of January, 1975 by a vote of 4-0



Christan L. Moffett, Clerk  
Illinois Pollution Control Board