

ILLINOIS POLLUTION CONTROL BOARD

May 16, 1974

CARSON INTERNATIONAL, INC. )  
 )  
 v. ) PCB 73-498  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On November 27, 1973, Carson International, Inc. (Carson) filed a petition for variance from the effluent standard requirements of Rule 404(f) of Chapter Three: Illinois Water Pollution Regulations (Chapter Three). Petitioner requested a variance until June 30, 1974, for its on-site sewage treatment facility.

Petitioner owns and operates the Indian Lakes Country Club in the City of Bloomingdale, Du Page County, Illinois. The club has two 18-hole golf courses and a club house containing a lounge and restaurant. After on-site treatment, flows averaging 5500 gpd discharge into Spring Brook Creek, a tributary of Salt Creek. Recent effluent tests by Carson indicate levels considerably above the 4 mg/l BOD and 5 mg/l suspended solids limitation required by December 31, 1973, under Rule 404(f) of Chapter Three:

<u>Date</u>	<u>BOD (mg/l).</u>	<u>Suspended Solids (mg/l)</u>
11.10.1973	22	22
11.21.1973	26	18

Levels would probably be higher during the golfing season in May and June of this year. Analyses of samples collected by the Environmental Protection Agency (EPA) on September 20, 1973, supports this conclusion. BOD measured 46 mg/l and suspended solids measured 33 mg/l on that date.

Petitioner premised unreasonable hardship on two factors. First, upgrading the on-site treatment facility would cost \$100,000. Data supporting this figure were not supplied by Carson. Second, the Village of Bloomingdale is in the process of expanding its sewage treatment plant and Petitioner anticipated connecting into a new sanitary trunk sewer "as soon as approval is granted by the Village to do so". Based on these facts, Petitioner argued it would be unreasonable to undertake on-site improvements because the sizeable expenditures necessary for on-site upgrading would be totally lost when this facility is abandoned following hook-up to the municipal treatment plant, targeted for Petitioner's use by June, 1974. Petitioner alleged that the adverse environmental

impact resulting from the variance would be minimal. No data were offered to support this conclusion. Rather, Petitioner stated that plant effluent presently discharges into a field tile before emptying into Spring Brook Creek, and that the downstream Roselle treatment plant adds dilution flows to the Creek.

The EPA, in its December 19, 1973, Recommendation, advocated that the variance be granted. The EPA felt that the connection with the Village sewer system was the best long-range solution to local waste water treatment problems and "that to recommend denial in this matter would be inconsistent with Agency support for regionalization concepts as an efficient and cost-effective means of waste treatment."

In the Interim Order of January 31, 1974, the Board directed the Petitioner to supply reasonable assurance that the Village would, in fact, allow Carson to connect into its new sewer trunk line by the end of June, 1974. On February 20, 1974, Petitioner waived the 90-day requirement of Section 38 of the Environmental Protection Act (Act). On April 12 Carson filed -- an addendum to its variance petition -- a letter from the Village of Bloomingdale indicating that the trunk line would be available to Petitioner sometime in June, 1974. EPA filed an amended Recommendation on May 10, 1974, favoring the grant of a variance but conditioning it on limiting the effluent discharge to 20 mg/l of BOD<sub>5</sub> and 25 mg/l of suspended solids.

It is established Board policy that economic hardship, standing alone, may not support the grant of a variance. More than economic hardship is involved here. It would be an unreasonable resource utilization to demand the installation of expensive new equipment which will fall into disuse a few months later. Furthermore, a regionalization approach to sewage treatment is favored by the Board. The adverse environmental impact is significant but not long-lived.

We are not unmindful, however, that the grant of this variance will have some adverse environmental consequence. Section 36(a) of the Act states, "In granting a variance the Board may impose such conditions as the policies of this Act may require." Section (2)(b) of the Act states, "It is the purpose of this Act . . . to restore, protect and enhance the quality of the environment, and to assure that adverse effects upon the environment are fully considered and borne by those who cause them." Carson should take all reasonable care to improve their effluent and minimize environmental harm until use of its on-site treatment facility is discontinued and their sewage is diverted to Bloomingdale for treatment. After hook-up to the Bloomingdale sewage treatment plant, Carson should make reasonable efforts to restore and enhance the quality of water in Spring Brook Creek.

ORDER

Carson International, Inc. is hereby granted a variance from Rule 404(f) of Chapter Three, Water Pollution Regulations, to operate the subject on-site treatment facility from January 1, 1974, until June 30, 1974.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 16<sup>th</sup> day of may, 1974, by a vote of 5 to 0.

  
Christan L. Moffett