

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1974

ARTHUR E. MURPHY

v.

ENVIRONMENTAL PROTECTION AGENCY

PCB 73-535

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

Petition was filed on December 17, 1973 asking for relief from a sewer ban on inadequate sewers in Waukegan. A Board order was issued on December 20, 1974 requesting additional information and a reply was filed on January 17, 1974 by the Petitioner.

The Petitioner recounts difficulties with his building contractor on a home at 3029 Vermont Avenue and tells of a denial of a septic tank permit evidently after construction had commenced on his house. Only a 1500 gallon holding tank was installed and that must be pumped out every 1-1/2-2 weeks at a cost of \$30 each time.

The Agency filed its recommendation on February 13, 1974. It states that the Petitioner was probably misled by a contractor into believing that a septic tank permit would be readily available. The land upon which the home is built is marshy and not suitable for septic field disposal. Reports of September 11, 1973 and October 12, 1973 from the Lake County Health Department were filed by the Petitioner and detail the site deficiencies for seepage fields.

The Vermont Avenue sewer is tributary to the Judge Avenue sewer which has been the subject of many proceedings before the Board. See Immanuel Lutheran Church v. EPA, PCB 73-432, (January 3, 1974); Vern Anderson v. EPA, PCB 73-431 (February 7, 1974). The Agency points out that denial of the variance would continue to impose the high costs of 1-1/2-2 week pumpouts upon the Petitioner. A grant of the variance would place additional sewage on the overloaded Judge Avenue sewer and create health hazards in downstream residences due to sewer back-ups into basements. A partial grant is recommended to allow a connection from the holding tank to the sewer with valve to be installed to prevent flow into the sewer until four hours after precipitation has ended.

The Board realizes that such a valve, if installed, may in fact never be used and that enforcement by the Agency will be difficult. However, health hazards from sewage backups may cause hepatitis or polio or other water borne diseases. We would urge the Petitioner to not create a health hazard through maloperation of the required valve.

We agree with the Agency's third alternative. The hardship is self-imposed upon the Petitioner by the failure of his agent, the contractor, to obtain the septic tank permit (or the denial of it) well in advance of building his house. But the house is now built and occupied and the Agency's recommendation is best under the circumstances.

ORDER

1. Variance is granted to Mr. Arthur E. Murphy to connect to the Waukegan sewer system at 3029 Vermont Avenue from his holding tank to said sewer. A valving arrangement shall be installed in the connecting line and shall be closed to prevent flow from the holding tank to the sewer during period of rainfall. The valve shall not be opened to drain the holding tank until at least four (4) hours after the rainfall has ended.
2. The Agency shall be notified of the construction of the connecting line and valve in advance so that it may be inspected prior to backfilling.
3. Any necessary permits shall be applied for which are required by local authorities in order to make the authorized connection.
4. The holding tank may be discontinued once the Agency certifies the Judge Avenue sewer is adequate in transport capacity.

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 14th day of March, 1974 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board