

ILLINOIS POLLUTION CONTROL BOARD
September 26, 1973

JOHN W. LEWIS,)
)
 Petitioner,)
) PCB 72-341
 vs.)
)
 ENVIRONMENTAL PROTECTION AGENCY,)

Respondent.

R. Gerald Barris, on behalf of Petitioner;
Larry R. Eaton, Assistant Attorney General, on behalf of
Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Seaman)

On August 15, 1972, Petitioner, John W. Lewis (succeeded by Michael J. Howlett) Secretary of State, State of Illinois, filed its Petition for Variance requesting permission to connect a new warehouse and motor vehicle license plate facility to the main sewage treatment plant of the Springfield Sanitary District. A public hearing was held on this cause on July 5, 1973.

Petitioner began construction of its facility on or about February 1, 1972. Previous thereto, Petitioner's architects discussed the plans for the facility with representatives of the Springfield Sanitary District and no mention was made of the possibility that a permit would not be issued for sewer connection. On this point, the Agency states, in its Recommendation, that construction was begun well before Petitioner had any reason to believe it would encounter any problems with sewage disposal.

On May 12, 1972, Petitioner's plumbing subcontractor made proper application at the Springfield Sanitary District for the necessary permits to extend and connect the sewers. The District denied the application because the Agency had declared the treatment facilities of the District to be in a critical state. To date, the ban remains in effect.

Due to delays in construction, the tentative date for completion of Petitioner's facility is December 15, 1973. The Agency estimates that Springfield's new sewage treatment plant will be on line in the very near future and, further, that the ban will, in all probability, be lifted before December 15, 1973.

It is the Agency's position that, as a matter of practical fact, no variation will be needed because a permit to operate should be obtainable prior to the projected date of occupancy. However, it is the Agency's recommendation that, should an operating permit be unobtainable for some limited period of time beyond the date of occupancy, a variance should be granted to cover that limited period on condition that Petitioner exercise all diligence to obtain an operating permit at that point in time when the ban is lifted (R-13). We approve this recommendation.

The Springfield Sanitary District's new East Side Sewage Treatment Plant will be operational in the near future. At that time there will be adequate sewage treatment capacity for the City of Springfield, including foreseeable construction, and definitely including Petitioner's facility. Petitioner's facility would increase the overload at the Springfield Main Sewage Treatment Plant only temporarily, if at all. Further, as noted above, Petitioner began construction of its facility before the ban was imposed.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioner be granted variance from the Environmental Protection Agency sewer ban to connect and operate at the subject facility.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 26th day of September, 1973, by a vote of 5 to 0.

Christan L. Moffett