## ILLINOIS POLLUTION CONTROL BOARD August 23, 1973

EXCHANGE NATIONAL OF CHICAGO	BANK	) ) )	
v.		) ) PCB )	73-15
ENVIRONMENTAL PROT	CECTION AGENCY	) )	

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

Mr. Robert Marks; Marks, Marks and Kaplan, appeared on behalf of the Petitioners;

Mr. Frederic J. Entin, Assistant Attorney General, appearing on behalf of the Environmental Protection Agency

On June 14, 1973 we entered an interim opinion and order in this proceeding granting a variance to connect one of three buildings yet to be built in a 6-building condominium complex in Lake Forest. We deferred until August 15, 1973 the decision on the remaining two buildings which have completion dates of July 1, 1974 and September 1, 1974 (later changed to October, 1974) respectively.

The two buildings remaining in the variance petition drain to the Lake Forest sewage treatment plant which is to be diverted to the Clavey Road treatment plant of the North Shore Sanitary District. We had hoped to determine when that event would take place from the record in another proceeding before us (NSSD v. EPA, PCB 73-134) but those hearings have been rescheduled for October 2, 1973.

Petitioner has alleged expenditures for services and improvements for the use of all of the six buildings an amount of \$350,000. It further alleges additional costs because of delays in sales of the condominium units and because of inflation of construction costs.

The petitioner has waived the time requirements for a decision until today and filed on August 21 a stipulation signed jointly with the Agency to complete the record in this case. The stipulation states that on or about September 15, 1973 Phase I of the Clavey Road treatment plant expansion will be completed raising its capacity from 4.5 MGD to 10.0 MGD. This capacity (10.0 MGD) compares to present flows in excess of 6 MDG. It is further stated by the parties that there will then be sufficient capacity to divert to Clavey Road the "entire dry weather flow of the Lake Forest Plant (including any additional flow which will result from the two buildings in question) as well as the flow from the Lake Bluff Sewage Treatment Plant and the Cary Avenue Sewage Treatment Plant."

The two buildings for which variance is desired are to be completed in July and October of 1974 respectively. Thus it would appear that the dry weather flow from these buildings would be adequately provided for in ample time.

There are two other sewage plants, Ravine Avenue and Park Avenue, which discharge to Lake Michigan and which are also to be diverted to Clavey Road. The stipulation is silent about when this event will happen (which should then permit the bathing beaches to reopen). It is stipulated, however, that Phase II will be completed on January 1, 1974 and total Clavey Road plant capacity will then go from 10.0 MGD to either 17.0 MGD or 17.8 MGD. This seems like ample additional capacity to handle the remaining two small lakeside sewage plants. The Board, when it decides PCB 73-134, can make certain that new permits do not pre-empt Clavey Road plant capacity necessary for complete diversion.

The matter of overflows remain. The stipulation further states that a retention basin with a 20 MGD capacity is under construction for completion July 1, 1974. This is the date the first building in the instant case would be completed.

We grant the variance for the two remaining buildings to connect to the sewer system. As to the question as to whether this action will remove by precedent the sewer connection ban imposed upon the North Shore Sanitary District, we leave to the decision yet to come in PCB 73-134. We hope that very soon the connection ban can be lifted in its entirety and will be much more liberal in granting variances in light of the stipulation filed in this case.

## ORDER

Variance is granted to connect the remaining two buildings in this development to the sewer system with permanent use and occupancy to come after July 1, and October 1, 1974 respectively.

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 day of August, 1973 by a vote of 3-0

Illinois Pollution Control Board