

ILLINOIS POLLUTION CONTROL BOARD
January 30, 1973

MONTEBELLO MANOR CORP.)
)
 v.) PCB 72-429
)
ENVIRONMENTAL PROTECTION AGENCY)

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

This is a petition for variance to allow connection to a sanitary sewer in the City of Hamilton. Hearing was held on December 27, 1972. Petitioner, a closely held corporation consisting of three individual shareholders, has undertaken the building of a nursing care facility for the residents of Hamilton, Hancock and surrounding counties. There is no other such facility in Hamilton. The facility will contain eighty-two beds and would discharge approximately 8,200 gallons of waste water per day containing 15 pounds BOD. Around sixty of these beds will be taken by current Hamilton residents, thus providing for a net increase of only twenty persons to the sewage system.

The total cost of the facility is \$585,000. Petitioner's president has advanced \$50,000 of his personal assets and his two associates have advanced \$30,000 and \$20,000 each toward the project. In addition, a loan in the amount of \$454,000 has been approved by a Springfield bank. As of October 1, 1972, \$170,000 of that loan was advanced at 8-1/4% interest with an additional \$50,000 being advanced as of November 1, 1972. They have also borrowed another \$20,000 at 7-1/2% interest from a bank in Hamilton. Should the variance be denied they would suffer a loss of \$300,000 to \$400,000.

Petitioner applied to the Agency on August 10, 1972 for a permit to connect up to the sanitary sewer. The Agency denied the permit on September 1, 1972. The reason for the denial was because the Hamilton Sewage Treatment Plant does not have adequate capacity to accept any additional waste load. The plant was designed to serve 1,640 persons at a design flow of 164,000 gallons per day. The plant presently serves around 2,488 persons with an average flow of 270,000 gallons per day. The plant provides primary settling treatment only with bar screens, sludge digestion and sludge drying beds. Plans and specifications for upgrading the plant were approved by the Agency on August 31, 1972. The City is attempting to obtain federal clearance essential for both federal and state grant funds but has a low priority rating

... financing could be arranged, the earliest completion date for the plant would be around July, 1974.

The Hamilton plant discharges to the open Hamilton Slough which drains into the Mississippi River. The plant is currently discharging an effluent which on October 30, 1972, measured 600 mg/l BOD, 110 mg/l suspended solids and 7,900,000/100 mg/l fecal coliform. Other BOD values have been recorded at 420 and 180 mg/l.

The petitioner entered into construction contracts around February, 1972 with actual construction beginning around April. The Water Regulations requiring permits were adopted by the Board in March, 1972. It appears, then, that the obligations were entered into with the full expectancy that the sewer connection would be forthcoming.

The Agency indicates that while the granting of this petition would permit some increase in the pollution load to Hamilton Slough and then to the Mississippi River, it would not be expected to noticeably change the present outfall conditions in the Slough. The Agency also indicates that the increase would not likely alter the biota and fish life measurably and also that due to the Mississippi River dilution ratio, the increase would not be expected to make a measurable difference in the quality of river water entering the intake of the Warsaw Public Water Supply which is six miles downstream from the Hamilton discharge.

Based upon the facts and the Agency's recommendation we will grant the variance. The need for this nursing care facility outweighs the harm which will occur as a result of the additional discharge volume. We should note, however, that we are far more persuaded in this case by the fact that a nursing facility (the only one in Hamilton), is involved than by its financial aspects. If the proposed facility were not intended for the general benefit of the community our decision may well have been different.

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

ORDER

The Petition for Variance is granted. Petitioner shall be allowed to connect up to the Hamilton sewer system in conformity with all applicable laws and regulations except as excused by this variance.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 30th day of January, 1973, by a vote of 3 to 0.

Christan L. Moffett