

ILLINOIS POLLUTION CONTROL BOARD  
February 17, 1972

GLENN AND CLARAMAE YOUNKER )  
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 v. ) # 71-361  
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 ENVIRONMENTAL PROTECTION AGENCY )

Lloyd F. Latendresse, for Glenn and Claramae Younker  
Larry R. Eaton, for the Environmental Protection Agency

Opinion of the Board (by Mr. Currie):

Mr. & Mrs. Younker operate a mobile home park at the Village of Blue Mound, not far from Decatur. Sewage from the occupied sites in the 37-site park is treated in a single-stage lagoon, with intermittent effluent flowing ultimately to the Sangamon River. In the summer of 1971 the Younkens submitted plans to the Agency for constructing two additional lagoons in order to meet the July, 1972 requirements of 4 mg/l BOD and 5 mg/l suspended solids (Rules and Regulations SWB-14). The permit was denied for several deficiencies in the plans, most notably a failure to provide for removal of algae under the revised Agency guidelines 20-24.

The Younkens seek a variance to permit them to retain their present system because of the possibility that the Village may provide municipal treatment within the next few years and render any present investment obsolete. The evidence establishes that the Village applied some time ago for federal aid funds for this \$900,000 project; that the federal government put the request on the back burner for want of funds and a low priority; that the application was recently reactivated after some degree of encouragement from federal officials; but that there is no assurance even now of federal funds and that the Village will not proceed without them. At best the municipal plant could not be in operation much before the end of 1973, and the estimate of the city's engineer is that about two years would be required after federal money became available. The petitioners concede that the Village plant at this stage is mere conjecture, and in the absence of a firmer program we cannot simply allow an indefinite pass from the treatment requirements. As the Agency says, it may be years before any municipal treatment is provided. For want of a firm program for municipal treatment the variance request for a total exemption from SWB-14 must be denied. Cf. York Center v. EPA, #72-7 (Jan. 17, 1972); Flintkote Co. v. EPA, #71-68 (Nov. 11, 1971). If federal funds have since become available and a firm program developed, a new petition may be filed.

Recognizing the above deficiency in their case, the petitioners ask in the alternative that we allow disposition of effluent from the existing lagoon on the land, suggesting that both runoff and percolation can be controlled so as to avoid pollution. The estimated cost of this improvement is \$5000 as compared with over \$20,000 for the lagoons as originally proposed and \$40,000 to meet the EPA's conditions, \$15,000 of which would be for algae control. The Agency rejected a prior proposal for spraying on the ground that insufficient information had been submitted but now invites a resubmission of data, less detailed than that originally specified, adequate to show that runoff and percolation will not be problems. If such can be proved, no variance would be needed for the spraying operation, since the effluent standards would be met. The sole need for a variance is with respect to the deadlines for submission of plans and award of contracts, and possibly, depending on the schedule which is not in the present record, also a brief extension of the date for ultimate compliance. The petitioners agree that the spraying system is economically reasonable, and we think in view of the Agency's revised algae requirement, which made deficient the original plans submitted in good faith, the petitioners are entitled to a month in which to submit plans for the spray system. Should that system be rejected, we will give the petitioners thirty days after adoption of our pending regulations #R71-14, which may modify the algae requirement in their case, to submit plans for an alternative system that will comply with the revised regulation. A schedule for construction shall be filed with the plans, and upon approval by the Agency of one or the other system the petitioners shall apply for modification of this order, if necessary, to permit the completion of construction at a time not long after July, 1972.

#### ORDER

A variance is hereby granted to Glenn and Claramae Younker from the SWB-14 interim deadlines for submission of plans and award of contracts to meet the requirements of 4 mg/l BOD and 5 mg/l suspended solids, provided the following conditions are met:

- 1) Plans for a spray disposal system shall be submitted to the Agency within 30 days after receipt of this order, together with sufficient information to enable the Agency to determine that such system will not cause pollution of surface or ground waters, and with a schedule for construction of such system in the shortest practicable time; and

- 2) If the Agency disapproves such plans, petitioners shall submit, within 30 days after such denial or after adoption by this Board of applicable effluent standards in #R71-14, whichever is later, plans and a schedule for constructing facilities to comply with such effluent standard within the shortest practicable time; and
- 3) Upon Agency approval of plans submitted pursuant to conditions 1) or 2) of this order, the petitioners shall promptly seek any modification of this order that may be necessary to allow construction to be completed after July, 1972.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 17<sup>th</sup> day of February, 1972 by a vote of 5-0.



