

recommends that water conservation measures be required to minimize any adverse environmental impact that may result from the additional loading on the HEWP.

The present treatment works consists of package extended aeration plant, a 1.18 acre polishing pond, and chlorination facilities. Discharge is to an unnamed tributary of Farm Creek which flows to the Illinois River.

The package plant is designed for an effluent flow from 128 lots (45,000 gallons per day (gpd)) but it is currently servicing 153 lots. This is the basis for the restricted status of the HEWP. The polishing pond is designed to serve 200 lots and an additional package plant can be provided to bring plant capacity to that level.

A compliance evaluation inspection was conducted by the Agency on November 12 and December 17, 1979. Several violations were noted, including green effluent with obvious turbidity, unnatural green color in the receiving stream, lack of fecal coliform testing and lack of flow measurement equipment.

Of these violations only the green coloration (caused, apparently, by algal growth) presents an environmental concern. The Agency has not alleged, and the Board cannot assume, that water conservation will improve the situation. Therefore, the Board declines to follow the Agency's recommendation in this regard.

The recommendation is, however, worth noting. If all of the homes feeding into the HEWP were to install plastic water dams in their toilets, the Agency alleges that as much as 3,000 gpd of water could be saved. Thus, the Agency recommends that the variance be conditioned upon the HEWP including a notice with its water bills that free plastic dams will be made available to anyone requesting them. This may well serve as a useful tool in attaining compliance and removing the HEWP from restricted status but is left to the utility's judgment as to its use.

The Board notes that no complete compliance plan has been submitted to the Board. Plans were to have been submitted to the Agency by November 21, 1980, but neither Tazewell nor the Agency has alleged that that has been done. Such a plan is necessary to the granting of the variance.

In balancing the benefits of granting the variance against the environmental harm, the Board finds that the benefits outweigh the harm of a variance grant. Further, the Board finds that it is an arbitrary and unreasonable hardship upon the homeowner petitioners to be forced to rely on malfunctioning septic systems.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The Tazewell County Health Department, et al. are hereby granted a variance from Rule 962(a) of Chapter 3: Water Pollution, subject to the following conditions:

1. This variance allows the connection of lots 39-47 in the Highview Estates Subdivision to the Highview Estates Wastewater Plant.
2. Within 45 days of the date of this order, the Highview Estates Wastewater Plant shall submit to the Agency an acceptable plan for achieving compliance with the Environmental Protection Act and the Board's Rules and Regulations.
3. Highview Estates Water Company, Inc., shall operate the Highview Wastewater Treatment Plant utilizing the best practicable operation and maintenance practices.
4. Within forty-five (45) days of the date of this Order, the Highview Estates Water Company, Inc. shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound by all terms and conditions of this variance. This forty-five (45) day period shall be stayed for any period during which the matter is appealed. The form of the certification shall be as follows:

CERTIFICATION

Highview Estates Water Company, Inc. hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 80-157, dated February 5, 1981.

Petitioner

Signed

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the _____ day of _____, 1981 by a vote of _____.

Christan L. Moffett, Clerk
Illinois Pollution Control Board