

ILLINOIS POLLUTION CONTROL BOARD
November 15, 1979

VILLAGE OF ROUND LAKE PARK,)
)
 Petitioner,)
)
 v.) PCB 79-178
)
 ENVIORNMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Petitioner has requested a variance from Rule 402 with respect to dissolved oxygen and Rule 404 (f) of Chapter 3: Water Pollution. The Agency has recommended that a variance be granted subject to conditions. No hearing was held.

Petitioner is located in northwest Lake County. Present sanitary wastes are discharged into the Northwest Regional Interceptor which eventually discharges into the Chain O'Lakes tributary to the Fox River. An Annexation Agreement between Petitioner and Unity Ventures, Inc. was entered into on August 25, 1976. The property annexed, approximately 610 acres, is zoned for single-family residential, multi-family, commercial and industrial purposes. Petitioner originally had an agreement with Lake County in which the County was to construct an interceptor and trunk sewer to transport Petitioner's sewage to a new regional treatment plant to be constructed by the Village of Fox Lake. Should the County be unable to provide sewage treatment facilities to the areas annexed by Petitioner, it was agreed that construction of sewage treatment facilities within the area not serviced was to be allowed. Petitioner and Unity Ventures, Inc. have been unable to obtain sanitary sewage treatment in either the Northwest or North Central sewer systems operated by Lake County.

Petitioner proposes to construct a new sewage treatment plant which it will own and operate. The plant would discharge into an unnamed tributary which eventually leads to the Des Plaines River. Necessary additional piping and buildings will be constructed when the initial stage is built should expansion be required.

Petitioner relies on Village of Bloomingdale v. EPA, PCB 78-124, 31 PCB 125, October 19, 1978 contending that had the proposed sewage treatment plant been in existence at the time Bloomingdale was decided it too would have been granted a variance from Rules 402 and 404 (f). Petitioner has indicated that it can meet the 10 mg/l BOD₅ and 12 mg/l

suspended solids effluent limitations which were applied to the majority of dischargers in Bloomingtondale. Petitioner also states that the discharge from this system will have no negative impact upon the receiving streams and that the streams will be able to support aquatic life.

Without the variance, it is claimed that the Petitioner and Unity Ventures, Inc. will suffer substantial hardship. The area to be serviced by the plant has been designated as financially distressed. It is alleged that construction of the proposed plant would spur development in the area and help alleviate current socio-economic problems in the village. Revenues and commercial-industrial development would accrue to the benefit of the community.

The Board concludes that denial of a variance would constitute arbitrary or unreasonable hardship. The relief sought by Petitioner is identical to the relief granted by the Board in Bloomingtondale. The reasoning in that case must be employed in this matter to avoid inequitable results. Relief will also be granted from Rules 902 (i) (1), 910 (a) (4) and 910 (b) so that the Agency may issue a NPDES permit to Petitioner. Rather than grant relief for five years as Petitioner has requested, the Board will limit the variance to the same terms as Bloomingtondale for consistency.

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

ORDER

- 1). Petitioner is hereby granted a variance from Rules 203 (d) and 402 (as it pertains to dissolved oxygen), 902 (i) (1), 910 (a) (4) and 910 (b) of Chapter 3: Water Pollution, until October 19, 1983.
- 2). Petitioner is hereby granted a variance from Rule 404 (f) of Chapter 3: Water Pollution until October 19, 1983 or until the Board takes final action in R77-12, Docket C, whichever occurs first.
- 3). During the term of this variance the discharge of treated sewage from Petitioner's facilities shall be limited to 10 mg/l BOD₅ and 12 mg/l suspended solids as 30 day averages.
- 4). The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with the terms of this Order including terms and conditions consistent with best practicable treatment, operation and maintenance of Petitioner's facilities.

- 5). Within 45 days of the date of this Order, Petitioner shall execute a Certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed. The form of the Certification shall read as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in 79-178 hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

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 15th day of November, 1979 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board