

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1980

ROSSMOOR ASSOCIATES, an Illinois)
Limited Partnership,)
)
Petitioner,)
)
v.) PCB 80-150
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by I. Goodman):

On August 15, 1980 Rossmoor Associates (Rossmoor) filed a petition for variance from a previous Board order in Docket No. PCB 79-171 incorporating the whole record of that earlier petition in its present petition. On August 21, 1980 the Board ordered Rossmoor to join the County of DuPage as party petitioner hereto and to file an affidavit containing the facts contained in this petition. In addition Rossmoor moved for expedited consideration of its petition by the Board. The Board hereby grants Rossmoor's motion for expedited consideration.

In PCB 79-171 Rossmoor was granted certain relief from Rule 962(a) of Chapter 3 of the Board's Water Pollution Control Regulations to allow issuance of permits to construct and operate sewer connections for a number of dwelling units located in or near Woodridge, Illinois. Pursuant to the October 4, 1979 Board Order in PCB 79-171, the Illinois Environmental Protection Agency (Agency) issued certain permits for certain groups of dwelling units which were termed Unit 14, Unit 15, and Unit 16. Rossmoor now seeks to switch the permits issued for Unit 15 to Unit 16 in order to allow the construction and operation of sewer connections from an additional 102 units in Unit 16 and to extend the date of validity of the presently outstanding permits from December 31, 1980 to February 28, 1982. Additional request for relief by Rossmoor concerning compliance with the permits is unnecessary under Rule 963(a) of Chapter 3. Rossmoor alleges that a change in the real estate market forced it to review its construction strategy with the result that it will be unable to utilize the 100 dwelling permit granted to Unit 15 but will need 102 dwelling units in Unit 16.

The Agency has recommended grant of the proposed variance stating that withdrawal of 100 of the permitted units of Unit 15

and the issuance of permits for the construction and operation of sewer connections for 102 units in Unit 16 will have no adverse effect on the environment. The Board agrees with the Agency evaluation of the situation and will grant the requested variance under certain conditions.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

1. The variance in PCB 79-171 granted to Rossmoor Associates on October 4, 1979 is hereby vacated as it relates to Unit 15 and the permit subsequently issued by the Illinois Environmental Protection Agency for Unit 15 (1980-HB-0734).

2. Rossmoor Associates is hereby granted variance from the Rule 962(a) of Chapter 3 of the Board's Water Pollution Control Rules and Regulations to allow issuance of permits to construct and operate sanitary sewer connections to 102 units of Unit 16 of its subdivision located in Woodridge, Illinois.

3. Rossmoor Associates is hereby granted variance from Rule 963(a) of Chapter 3 of the Board's Water Pollution Control Rules and Regulations with the purpose of extending until February 28, 1982 the date by which Rossmoor must comply with the conditions of permits #1979-HB-5745 and #1979-HB-5746 as issued by the Illinois Environmental Protection Agency pursuant to the Board Order in PCB 79-171.

4. Within 45 days of the date of this Order, the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, an executed Certification of acceptance and agreement to be bound by all conditions of the variance. This forty-five day period shall be stayed if Petitioner seeks judicial review of this variance pursuant to Section 41 of the Illinois Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We,) _____ having read the Order of the Illinois Pollution Control Board in PCB 80-150, dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner

by _____, Authorized Agent

_____, 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 were adopted on the 18th day of September, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board