

ILLINOIS POLLUTION CONTROL BOARD
November 30, 1978

SAFARI CAMPGROUND,)
)
 Petitioner,)
)
 v.) PCB 78-260
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a Petition filed by Joy Williams, Safari Campground, on October 4, 1978, for a variance to allow the Petitioner to connect with the sewage treatment facility in Johnston City, Illinois, which has been on restricted status since September 7, 1978. The Environmental Protection Agency interpreted the Petition as a request for relief from Rule 962(a) of Chapter 3: Water Pollution Regulations. After reviewing the Petition, the Agency filed a recommendation on November 8, 1978, to deny the variance. No hearing was held in this matter; Petitioner waived the right to hearing in accordance with Procedural Rule 401(b). Since the Petitioner has had ample time and opportunity to object to the Agency recommendation, the Board will deem Petitioner's failure to respond as a waiver of its rights under Procedural Rule 406(a).

Safari Campground proposes to construct a recreational vehicle campground consisting of 77 sites on the west side of Johnston City, in Williamson County, Illinois. When fully operational, Petitioner estimates that the campsite will generate a daily loading of 5,775 gallons of human waste. According to the Petition, the Safari Campground plans to collect and treat this waste in a septic tank before discharging to a sewer main tributary to the Johnston City treatment facility. Petitioner estimates that the cost for installing the proposed septic system and lift station to a Johnston City sewer main would be \$5-6,000 and claims that any additional treatment requirements would cost an additional \$15-16,000 (Pet. 1, 2).

Johnston City is presently served by a sewage treatment facility consisting of a 23-acre single cell lagoon without disinfection facilities which is designed to treat an average flow of 0.4 MGD. On September 7, 1978, the Agency placed the Johnston City STP on restricted status after granting a permit which exhausted the design capacity of the treatment facility. According to current discharge monitoring reports, the Johnston City STP maintains average BOD₅/suspended solids levels of 28 mg/l and 23 mg/l respectively. Results of analysis of Agency grab samples in September, 1978, were 70 mg/l BOD₅ and 55 mg/l SS. The Johnston City facility was issued NPDES Permit IL 0029301 which requires that the facility meet a 10/12 mg/l BOD₅/SS effluent quality. Since then, the USEPA has issued Petitioner an Enforcement Compliance Schedule Letter which amended the allowable effluent concentrations to 50 mg/l BOD₅ and 80 mg/l suspended solids on a 30-day average (Rec. 1, 2).

In 1975, Johnston City was awarded an accelerated Step 1-2-3 State grant to upgrade its sewer and sewage treatment facility. Subsequently, Petitioner submitted a Facilities Plan and an I/I study in March, 1976, which the Agency returned with a recommendation that Johnston City do a Sewer System Evaluation Survey. To date, Petitioner has not completed the SSE Survey, nor is there any indication in the record that Johnston City is actively involved in other water pollution abatement programs.

Rule 962(a) of Chapter 3 is directed to fostering the reasonable and responsible management of new and modified sources of water pollution in this State. According to its dictates, the Agency is prevented from issuing a permit unless Petitioner proves that the wastewater will not cause a violation of the Act or Rules. Where a variance is required, Petitioner must show that compliance with the applicable regulation will cause an arbitrary and unreasonable hardship. In addition, Petitioner is charged with the burden of proving that the grant of a variance will not unduly harm the environment or public health and, whenever applicable, Petitioner must demonstrate that it is proceeding under a plan to achieve compliance at the earliest possible date. Alton Box Board, PCB 75-496, 20 PCB 279 (March 11, 1976).

The Petition is lacking in assurances that increased loading to the Johnston City STP will not cause environmental harm to threaten public health. Nor is there any indication by Petitioner or the Johnston City STP that the latter has undertaken any program to abate water pollution.

In our opinion, Petitioner has failed to make an adequate showing to warrant the requested grant of relief. The Board will deny Safari Campground's variance petition.

Rejection of this variance does not preclude the future submission of a new petition for variance which fully considers the range of available alternatives and indicates good faith efforts by all concerned with water pollution control measures in Johnston City to achieve compliance with the water pollution regulations of this State.


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

ORDER

The Petition for Variance filed by the Safari Campground is hereby denied.

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 30th day of November, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board