

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1980

IDLEWILD COUNTRY CLUB,)
an Illinois not-for-profit)
corporation,)
)
Petitioner,)
)
v.) PCB 80-57
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Board Member Werner):

On March 19, 1980, the Idlewild Country Club ("Idlewild") filed a Motion to Modify the Board Order in PCB 77-17 which was entered on April 12, 1979. The Illinois Environmental Protection Agency ("Agency") did not oppose the requested modifications. On April 3, 1980, the Board entered an Order construing Idlewild's motion in PCB 77-17 as a new petition for variance (which was given Docket No. PCB 80-57) and ordered Idlewild to submit additional information in support of its petition.

On April 15, 1980, Idlewild filed a Petition for Variance which incorporated by reference the entire prior record in PCB 77-17 and the information contained in its March 19, 1980 Motion to Modify and included the additional information requested by the Board in its Order of April 3, 1980. On April 30, 1980, the Agency filed its Recommendation which recommended that the Petitioner be granted a variance from Rules 402 and 404 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") until September 30, 1981, subject to specified conditions. Idlewild Country Club has waived its right to a hearing, and no hearing has been held in this matter.

The Board entered a final Order on April 12, 1979 in the enforcement action in PCB 77-17 which ratified a proposed settlement agreement between the Agency and the Idlewild Country Club. The compliance program mandated by the Board was predicated on the proposed annexation of Idlewild by the Metropolitan Sanitary District of Greater Chicago ("MSDGC") and connection to the Village of Flossmoor sanitary sewer system. The Board Order envisioned completion of the connection to the Village of Flossmoor's sewage treatment system by October 31, 1979 and provided that, if connection to the Flossmoor system was not effectuated by that date, Idlewild would upgrade its facility to bring it into compliance by January 1, 1980.

Idlewild has indicated that it has proceeded in good faith to implement the required compliance program. However, because of a surveying mistake which resulted in an erroneous legal description of property to be annexed, the property annexed to the MSDGC in legislation passed by the Illinois General Assembly was insufficient to permit the Idlewild facility to be serviced by the MSDGC.

Accordingly, the Idlewild Country Club is now in the process of re-initiating proceedings to annex property to the MSDGC and to the Village of Flossmoor to enable the construction of the sewer as designed by its engineers. Idlewild intends to re-submit proposed legislation to the Illinois General Assembly requesting additional area to be annexed to the MSDGC, and has expended approximately \$40,000.00 to date in its efforts to comply with the Stipulation placed into effect by the Board's Order of April 12, 1979. Idlewild anticipates that the total cost of compliance will probably be in excess of \$100,000.00 .

In light of the unique circumstances of this case, the Board finds, as recommended by the Agency, that denial of the requested variance would result in arbitrary and unreasonable hardship being placed upon the Petitioner. Accordingly, the Petitioner is hereby granted a variance from Rules 402 and 404 of Chapter 3: Water Pollution Control Regulations until September 30, 1981, subject to various specified conditions.

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

ORDER

It is the Order of the Illinois Pollution Control Board that the Idlewild Country Club is hereby granted a variance from Rules 402 and 404 as they pertain to DO, BOD₅ and TSS of Chapter 3: Water Pollution Control Regulations until September 30, 1981, subject to the following conditions:

1. Respondent shall post a performance bond in the amount of \$20,000.00 to assure completion of Alternative 1 or 2 of the Baxter and Woodman, Inc. engineering study ("B&W study") upon the hiring of a contractor. Within 30 days of the issuance of all required permits, Respondent shall hire a contractor.
2. Within 60 days of the date of this Order, the Respondent shall:
 - A. Petition to annex its clubhouse to the Village of Flossmoor pursuant to a pre-annexation agreement preserving Idlewild's right to maintain present facilities and operations.

- B. Request legislation incorporating its clubhouse, and other area surrounding same, sufficient to enable the construction of the sewer connection to Metropolitan Sanitary District of Greater Chicago.
 - C. Prepare engineering plans for the disposition of the settling pond upon completion of the connection to Flossmoor, and a contingency plan to upgrade or modify the use of the settling pond in conjunction with the continued use of the facility.
3. Regardless of the reason, in the event that Idlewild has not effected connection to Flossmoor's sewage treatment system (Alternative 2 of the B&W Study) by June 30, 1981, Idlewild shall commence all work and take all actions not previously taken which are required for upgrading its facility to bring it into compliance (Alternative 1 of the B&W Study); and the facility shall be brought into compliance by September 30, 1981.
 4. Until Idlewild has effected connection with the Flossmoor sewage treatment system, or until September 30, 1981, whichever occurs first, the effluent from the Idlewild facility, as to biochemical oxygen demand and suspended solids, shall be monitored and limited as follows:
 - Suspended solids: daily maximum, 50 mg/l; 30 day average, 30 mg/l; composite samples to be taken weekly.
 - Biochemical oxygen demand: daily maximum, 50 mg/l; 30 day average, 30 mg/l; composite samples to be taken weekly.
 5. Within 45 days of the date of this Order, the Petitioner shall execute a Certification of Acceptance and Agreement to be bound to the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed.

The Certification shall be forwarded to the Illinois Environmental Protection Agency, Variance Section, Manager, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order in PCB 80-57, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____
Petitioner

BY _____
Authorized Agent

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of May, 1980 by a vote of 5-0.

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