

ILLINOIS POLLUTION CONTROL BOARD  
June 9, 1977

CHRISTIAN COUNTY HOUSING AUTHORITY,        )  
  )  
  Petitioner,        )  
  )  
  )  
  v.                        )       PCB 77-16  
  )  
  )  
ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
  Respondent.        )

OPINION OF THE BOARD (by Mr. Dumelle):

This matter comes before the Board on a Petition for Variance filed by Petitioners on January 17, 1977. On January 20, 1977 the Board found the Petition inadequate and ordered additional information be provided. On March 21, 1977 an Amended Petition for Variance was filed in response to the Board's Order. This Amended Petition was further amended in a letter to the Board from the Petitioner which was filed on April 7, 1977. The variance is requested to allow the connection of a housing project for the elderly to the City of Pana's sanitary sewer system. Pana was placed on Restricted Status by the Agency pursuant to Rule 604 of Chapter 3: Water Pollution of the Board's Rules and Regulations, and it has remained on Restricted Status. Petitioner is seeking a variance from Rule 962(a) of Chapter 3 of the Board's Rules and Regulations. On May 2, 1977 the Agency filed its Recommendation that the variance be granted on the condition that the Petitioner obtain all necessary permits for the connection of this project including a permit for the construction of a holding tank.

Petitioner has demonstrated hardship in that it has shown an acute shortage of acceptable housing for the low income elderly people of Christian County. This housing shortage has been substantiated by an official of the U.S. Department of Housing and Urban Development (HUD). HUD provided the financing for this project based upon an assessment of the housing needs of the elderly in the Christian County area.

The proposed project will add a loading of approximately 83 P.E. to the City of Pana's sewage treatment plant. The environmental impact of this discharge will be minimized by the use of a holding tank which will control discharges from the project to off peak periods of flow. Because the condition of the sewers in route to the sewage treatment plant has not been demonstrated, the Agency has asked that the size of the holding tank be determined as a part of the permit issuance process. The Board holds that this condition is reasonable.

Denial of a variance for the connection of the Petitioner's housing project for the elderly would constitute an arbitrary and unreasonable hardship.

This Opinion constitutes the Board's findings of fact and conclusions of law. The Order was issued by the Board on May 12, 1977.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 9<sup>th</sup> day of June, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board