

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1979

MAPLE HILL NURSING HOME, INC.,)
)
 Petitioner,)
)
 v.) PCB 79-105
)
ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a Petition for Extension of Variance filed on May 11, 1979 by Maple Hill Nursing Home, Inc. ("Maple Hill") requesting an extension of its prior variance (PCB 77-202) from Rule 404(f)(ii) of Chapter 3: Water Pollution Control Regulations. On June 19, 1979, the Illinois Environmental Protection Agency ("Agency") filed its Recommendation. The Agency recommended that the Petition for Extension of Variance be granted for a period of two years, subject to various conditions. Maple Hill has waived its right to a hearing, and no hearing has been held.

The Petitioner operates a nursing home in Long Grove, Illinois which has a sewage treatment plant consisting of a comminutor and a two cell lagoon. The design capacity of this sewage treatment plant is 15,000 gallons per day. The facility currently discharges effluent into Buffalo Creek which exceeds the limitations of 10 mg/l of BOD₅ and 12 mg/l of suspended solids set by Rule 404(f)(ii) of the Board's Water Pollution Control Regulations.

Because the nursing home is located 2-1/2 miles from the nearest sanitary sewer connection, it would cost Maple Hill over \$184,000 to construct a private sewer line for this distance (i.e., 2-1/2 miles). Alternatively, it would cost the Petitioner over \$150,000 to upgrade its present treatment plant. However, the Lake County Department of Public Works is planning to construct an interceptor sewer along Route 53 which will come within 1/4 mile of the Petitioner's sewage treatment facility. It will cost the Petitioner approximately \$15,000 to connect to this planned interceptor sewer.

Originally, when the Board granted Maple Hill a variance in 1977, it was believed that the construction of the interceptor sewer would begin in a relatively short period of time. However,

construction of the interceptor sewer by the Lake County Department of Public Works has not yet started and probably won't begin until 1980. (Rec. 2). Thus, the Petitioner has requested an extension of its prior variance. In support of this request, Maple Hill has submitted an engineer's report stating that, since the issuance of its NPDES permit, there has been "no increase in the population demand for which the plant was designed." (See: Exhibit B of the Variance Extension petition filed May 11, 1979). At the present time, Maple Hill is submitting partially completed operating reports instead of the discharge monitoring reports required by its NPDES permit and by the Board Order in PCB 77-202. However, the Petitioner has promised to contact its former engineers and rectify this situation. (Rec. 3).

After evaluating all the facts and circumstances of this case, the Board finds that the denial of the extension of this Variance would constitute an arbitrary and unreasonable hardship. It would not be appropriate to require Maple Hill Nursing Home, Inc. to choose either currently available, costly, alternative method of compliance, when connection to the planned Lake County interceptor sewer in the near future will provide an economically reasonable and environmentally sound solution to this situation. Accordingly, the Board will grant the requested variance extension for a period of two years, subject to certain conditions which are delineated in the Board's Order.

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

ORDER

The Petitioner, Maple Hill Nursing Home, Inc., is hereby granted an extension of its prior variance from Rule 404(f)(ii) of Chapter 3: Water Pollution Control Regulations for its sewage treatment plant until July 12, 1981, subject to the following conditions:

1. Petitioner shall not exceed the design capacity of the existing treatment plant of 15,000 gallons per day.
2. Petitioner shall submit discharge monitoring reports as required by its NPDES permit.
3. Petitioner shall operate the existing treatment facility as efficiently as possible.
4. Petitioner shall obtain the necessary permit for the sewer to be installed between the facility and the interceptor and shall connect to the interceptor sewer as soon as possible.

5. The variance will terminate when connection is made and operation is possible.

6. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The forty-five day period herein shall be suspended during any 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 79-105, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

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 12th day of July, 1979 by a vote of 5-0.

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