

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1976

CITY OF AMBOY,	)	
	)	
Petitioner	)	
	)	
	)	
v.	)	PCB 75-455
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Petitioner City of Amboy (Amboy), located in Lee County, Illinois, filed a Petition for a Variance before this Board on December 1, 1975. The Variance is requested to allow the construction of a sanitary sewer extension to service 23 additional lots at the Green River Mobile Home Park (Park) which is located in Amboy. The Environmental Protection Agency (Agency) filed its Recommendation on January 9, 1976. In its Recommendation, the Agency recommends that the Board grant a variance from Rule 962 of the Board's Water Pollution Regulations subject to the condition that "Amboy shall immediately apply for Agency construction and operating permits..."

Amboy was placed on restricted status on June 28, 1974. At that time Agency data indicated that Amboy's waste treatment facilities were being operated with a tributary waste load of approximately 296 per cent of design capacity. The existing facility consists of a three cell un aerated lagoon system which is designed to receive and treat wastewater flow of 0.56 MGD and an organic population equivalent of 4956. Effluent from the plant, which is not presently chlorinated, is discharged to the Green River, a tributary of the Rock River. The average effluent BOD, for a period of May through October, 1975 is 11 mg/l. We do not know on this record what the required BOD effluent level for this plant is under Illinois regulations.

On July 18, 1975, Amboy was awarded a Step 1-3 State Grant to upgrade its waste treatment facilities and to renovate portions of its sewer system. Construction and operating permits which

provide for conversion of the existing lagoon system to a 2-cell aerated lagoon system and construction of chlorination facilities have already been issued by the Agency. The entire project is scheduled for completion by September of 1976, at which time Amboy expects the restricted status to be lifted entirely.

The issue presented to the Board is whether Amboy's need for the proposed addition of 23 units outweighs the environmental and other economic harms which would result, such that the denial of a variance would constitute an arbitrary or unreasonable hardship to the City of Amboy. On the issue of need, Amboy states that it is experiencing a shortage of low-cost housing units. The additional 23 mobile home units would help reduce this shortage. The connections would also enable the Park owner to reverse his alleged financial losses caused by the fact that the imposition of restricted status came after he had developed only 30 lots, which is allegedly insufficient to make this park financially viable. No proof is given of these losses.

Amboy's housing shortage would be a far more persuasive factor than the unproved economic interests of the Park's owner. While there is little evidence to support the allegation of a housing shortage, the Mayor of Amboy has presented facts which support his conclusion (see paragraph 12 of Recommendation). The Park's owner has been allegedly losing money for the last 3 years because of the fact that the imposition of restricted status interfered with his development plans. However, the restrictions imposed on January 28, 1974 could not have caused losses for 3 years but only for two. By the City's estimates, the restricted status will be lifted in September. Whatever hardship that exists would presumably be removed shortly thereafter.

Amboy does have a significant interest in insuring the availability of sufficient numbers of low-cost housing units. This interest, as well as the Park owner's interests, must be balanced against the environmental impact of the proposed connections. The sewer service extension would, using the estimate of Amboy's consulting engineer, result in an increase of 1.3% in the total plant flow. Amboy presents several factors which may tend to mitigate any adverse effects attributed to this increase:

1. The Amboy Packaging Company has ceased discharging 80,000 to 100,000 gallons of cooling water per day; thus significantly decreasing the plant's hydraulic overloading, and
2. The major local industry is expected to reduce its pollutional load discharged, and
3. The problem of surcharging and back-ups in the Park's area has allegedly been alleviated.

The Agency is thus convinced that "adverse environmental impact is unlikely" but does not present information as to the present situation on the Green River. While Amboy has made statements tending to show that the proposed connections would not result in adverse environmental effects, it has not presented substantial, in-depth, data to support that allegation, which is its burden to do. This is especially the case regarding surcharging and basement backups, and biological conditions now in existence on the receiving stream.

Further, while the Agency has supplied some effluent data, Amboy has failed to demonstrate which effluent standards are applicable to its plant. No data are given on the water quality of Green River and Rock River, which receive the effluent from Amboy's plant. For all the Board knows, Amboy's effluent could be causing or contributing to a fish kill or odor nuisance at the Green River and/or Rock River. It is impossible to judge the extent of potential adverse environmental effects without any information on the water quality of the receiving waters.

An increased flow of 5250 GPD and 69 PE would add to the oxygen demand on the receiving stream. The removal of 80,000-100,000 GPD of cooling water will decrease the amount of hydraulic overloading, but will also have the effect of raising the concentration of the effluent presently discharged. The biological load will be increased by both the additional flow and the lower dilution factor caused by the lack of the cooling water.

Amboy has failed to present facts necessary to allow the Board to determine the nature of any adverse environmental effects which may be caused by the proposed connections. Amboy has also failed to substantiate the alleged hardships for which variance is sought. For these reasons Amboy's petition is inadequate and must therefore be dismissed.


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

Mr. Goodman and Mr. Young dissent.

ORDER

The City of Amboy's Petition for Variance is hereby dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11<sup>th</sup> day of March, 1976 by a vote of 3-2.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board