

area against the environmental damage of adding a greater load to an already inadequately functioning facility.

That there is a hardship is clear. SCCHA already has over 400 low income families eligible and waiting for low rent housing in the Alorton area. The private sector has built no rental units in the last six years. Over 22% of the residential dwellings lack indoor bathrooms. Direct economic loss is alleged to be over \$7,000,000 in lost housing assistance payments over the life of the project and \$100,000 in lost real estate taxes. Indirect economic loss is alleged to be 4 or 5 times the construction budget of \$2,100,000 due to a "ripple effect" through the county (the Board notes here that the multiplier may be somewhat high). The Agency does not question these statements.

To determine if this hardship is arbitrary or unreasonable, it must be balanced against the environmental impact of granting the variance. SCCHA alleges that there will be no negative environmental impact. This the Agency does question, and the Board has determined that there are good reasons to find that there would be environmental damage.

The 15,408 GPD flow increase from the Project will enter the Commonfields of Cahokia Sewer System and become tributary to the Cahokia Trunk interceptor belonging to Metro. The flow will then reach its Cahokia treatment plant which has a 4.5 MGD capacity but receives an average wet weather flow of 3.1 MGD from the Trunk Sewer. Thus, there is no capacity problem, and the only potential negative environmental impact would involve the performance of the Cahokia Trunk intermediate sewer. The Trunk was subject to an Infiltration/Inflow Analysis in May 1976, which noted various infiltration/inflow problems, areas of "distress," temporary bypass pumping at primarily two locations, and a single uncontrolled wet weather overflow into a surface drainage ditch. A federal grant for improvements has been obtained, and some work has been completed.

SCCHA contends that there will be a relatively insignificant flow increase since many of the future occupants will be merely relocating within the same area. However, the Agency correctly points out that this is misleading because over 22% of the existing units lack indoor bathrooms, and few have available sanitary sewer service in Alorton. Thus, many of the future occupants will be responsible for an additional sewage load, even if they are simply relocating. This additional load can, however, be reduced or eliminated by the installation of water saving devices in both of SCCHA's projects.

The Agency also notes that the Cahokia STP has been bypassed twice recently: from November 27, 1979, through December 4, 1979, due to flooding conditions, and from February 1, 1980, through March 21, 1980, due to malfunctions in the raw sewage pumps. Further, many of the sewers tributary to the STP are severely distressed; in many areas subsidence has occurred, sometimes causing complete collapse of the sewers; excessive

sand and silt has entered the sewers and lift stations, sometimes necessitating temporary pumping. Thus, the Agency contends that while the Cahokia STP has adequate design capacity to handle the discharge from the proposed project, if properly operated and maintained, that that has not been done in the past.

The Board notes that this situation is very similar to a Petition for Variance which was granted in St. Clair County Housing Authority v. EPA, PCB 79-27 (March 15, 1979) concerning the same sewer system. There is one substantial difference, however, in that in PCB 79-27, the Board acted under the reasonable belief that the Cahokia Trunk Sewer would be repaired by the summer of 1980. The Board can no longer act under that belief, because it is now the summer of 1980, and the Agency states that only 16% of the grant has been completed. SCCHA contends that the work should be completed within 3 to 4 years, but no support is given for that contention. The District has not bothered to respond in any way. There are no compliance dates given to guide the Board in determining when adequate facilities will be completed. Based upon what is before the Board, it must agree with the Agency that Metro has not made good faith efforts to complete construction work under its grant.

Even so, the Board finds that the need for housing and federal funding to improve the living conditions in the Alorton area is compelling enough to render the denial of a variance an unreasonable hardship. The variance is, therefore, granted, subject to several conditions which should serve to minimize any adverse environmental impact and better inform the Board as to the present status of improvements to the Cahokia Trunk Sewer and as to when repairs will be completed.

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

ORDER

St. Clair County Housing Authority and the Metro East Sanitary District are hereby granted a variance from Rule 962(a) of Chapter 3: Water Pollution Rules and Regulations, subject to the following conditions:

1. SCCHA shall apply for a sewer extension permit and shall meet all criteria necessary for issuance of that permit except Rule 962(a).
2. Within 180 days of this Order, SCCHA shall install plastic dams and water saving faucets and shower heads in the water closets of its existing 148 unit project.

3. Within 210 days of this Order, the Executive Director of the Housing Authority shall certify to the Agency in writing whether the requirements of condition (2), above, have been met.
4. Water saving water closets and water saving faucets and shower heads shall be installed in the 44 unit project when constructed.
5. Within 60 days of this Order Metro shall submit in writing the following to the Agency and the Board concerning Grant Agreement C17-2590:
 - a) a letter detailing the reasons for delay in the completion of the project work,
 - b) a certified copy of the Metro budget showing as a line item the funds budgeted to provide the local share of costs for the project work, and
 - c) a schedule for the completion of the project work.
6. Metro shall make a good faith effort to comply with the schedule submitted under condition 5(c), above.
7. Within 45 days of this Order the SCCHA shall submit to the Agency, in the form below, a Certificate of Acceptance to be bound to the terms of the Variance. This Certificate shall be addressed to: Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706.

CERTIFICATION

The St. Clair County Housing Authority, Petitioner, hereby accepts and agrees to be bound by all of the terms and conditions applicable to it in the Order of the Pollution Control Board in PCB 80-83, dated August 7, 1980.

Petitioner

By _____, authorized agent

Title

Date

8. Within 45 days of this Order Metro shall submit to the Agency, in the form below, a Certificate of Acceptance to be bound to the terms of the Variance. This Certificate shall be addressed to: Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois 62706.

CERTIFICATION

The Metro East Sanitary District, Petitioner, hereby accepts and agrees to be bound by all of the terms and conditions applicable to it in the Order of the Pollution Control Board in PCB 80-83, dated August 7, 1980.

Petitioner

By _____, authorized agent

Title

Date

9. The Board will retain jurisdiction over this matter until March 5, 1981.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of August, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board