

ILLINOIS POLLUTION CONTROL BOARD
July 31, 1975

HOUSING AUTHORITY OF THE)
CITY OF NORTH CHICAGO,)
Petitioner,)
v.) PCB 75-153
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

Mr. Raymond M. Carlson, appeared on behalf of the petitioner;
Mr. John T. Bernbom, appeared on behalf of respondent.

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

Petitioner, Housing Authority of the City of North Chicago (hereinafter "Authority") filed a petition for variance on April 11, 1975. The petition requests relief from a sewer ban imposed by the Board in League of Women Voters vs. North Shore Sanitary District, PCB 70-7, IPCB 369 (March 31, 1971), in order to connect a 102 unit home for the elderly to the North Shore Sanitary District's (hereinafter "NSSD") North Chicago Sewage Treatment Plant. The proposed facility is to be located at 15th Street and Jackson, North Chicago, Illinois.

On April 24, 1975, the Board held the Authority's petition inadequate because it did not disclose the date on which the home was expected to be completed and connected, nor the date on which the new Gurnee Sewage Treatment Plant is expected to be on line. On May 21, 1975 the Authority filed an amended petition which indicated that foundation walls should be ready for hook-up about September 1, 1975, and that the Gurnee plant will be completed by October 1, 1975. The amended petition extended the statutory ninety day period required for decision. On the same day a citizen objection to the variance petition was filed.

On June 23, 1975 the Environmental Protection Agency (hereinafter "Agency") filed its Recommendation, together with a Motion for Decision Without Hearing. The Board denied the motion on June 26 since the citizen objection had rendered a hearing mandatory.

The Agency Recommendation in favor of the variance, indicated that the North Chicago Plant has a design average flow of 3.35 MGD and a maximum flow capacity of 7.5 MGD. Monthly reports show that the plant effluent does not consistently meet the prescribed parameters for BOD, suspended solids

and phosphorus. Effluent discharge is presently into Lake Michigan. Upon completion of the Gurnee plant, the North Chicago Plant will provide only primary treatment, whereupon effluent would then be diverted to Gurnee for final treatment and all discharges to the Lake will cease.

A public hearing was held in North Chicago on July 15, 1975. The executive director for the Authority testified that there was a great need for apartments for the elderly in the community, and that the proposed facility would include one hundred one-bedroom and two two-bedroom apartments. She further testified that, based on a successful variance petition and approval from the Department of Housing and Urban Development, construction could begin the last week in July, 1975, and be completed in twelve months. The Agency agreed that by the time this facility is completed, the sewage generated by it could be diverted to the new Gurnee plant, thus causing no environmental damage.

William J. Owen, who had filed the citizen objection to the petition, testified that no sewer hook-up should be allowed in North Chicago while there is a sewer ban in effect.

The Board is of the opinion that the requested variance should be granted in the instant case. It is clear from the record that the housing facility will not be completed and ready for connection until next summer. By that time the Gurnee plant should be on line to receive the North Chicago effluent. There is thus little likelihood of environmental detriment in allowing this variance. The record further shows that there is a demonstrated need for this type of facility in this community. We find that it would result in an unnecessary hardship to deny this variance and thus prevent or delay the project's construction.


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

ORDER

Petitioner, Housing Authority of North Chicago, is hereby granted a variance from the sewer ban imposed in North Chicago in order to connect its home for the elderly facility to the North Chicago Sewage Treatment Plant.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order were adopted on the 31st day of July, 1975 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board