

ILLINOIS POLLUTION CONTROL BOARD

July 31, 1975

INN OF THE LAMPLIGHTER,)
Petitioner,)
)
v.) PCB 74-375
)
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On October 17, 1974, the Inn of the Lamplighter filed a Petition For Variance with the Illinois Pollution Control Board (Board). Petitioner requested a variance from Rules 404(f) and 405 of the Board's Water Pollution Regulations (Chapter Three) for the sanitary wastewater discharge from its 52-unit motel. A variance was sought until a sewer extension by the Springfield Sanitary District is completed and available for connection by Petitioner. The motel is located south of Springfield, Illinois, on Interstate 55. The motel has complete kitchen, restaurant, and laundry facilities; and an indoor and outdoor swimming pool. Depending upon the occupancy of the motel, 10,000 to 20,000 gallons of sanitary wastewater are discharged per day.

On November 14, 1974, Petitioner waived the requirement of Board action within ninety days as prescribed in Section 38 of the Illinois Environmental Protection Act (Act). An Amended Petition For Variance was filed on May 27, 1975, and the Illinois Environmental Protection Agency (Agency) filed its Recommendation on June 30, 1975.

Petitioner installed its initial wastewater treatment facilities in the Spring of 1970. It consisted of a septic tank and tile field, which was approved by the Illinois Sanitary Water Board although no permit was ever issued. Surface discharges flowing into a tributary stream of Lake Springfield were discovered and corrected in 1970. Similar surface discharges were noticed in 1971, but no further Agency action or investigation occurred until an inspection took place in August, 1974.

In 1973 Petitioner allegedly spent \$8,000 to install a sand filter system to help handle the load formerly carried solely by the septic field. The sand filter system consists of two sand-filled boxes, one measuring 6' x 27 1/2' and the other 8 1/2' x 31 1/2'. The boxes provide 413 square feet of surface area for treatment. The sand filter system is used

not only to receive septic tank effluent for further treatment before discharge but also to independently treat a portion of Petitioner's wastewater discharge. Agency files do not reveal that any plans and specifications were submitted for the sand filter system although Petitioner alleges that "plans and specifications were approved by the EPA."

An Agency examination on August 13, 1974, revealed that the two sand filter boxes were discharging wastewater in concentrations in excess of the standards in Rules 404 (f) and 405 of Chapter Three. Tests conducted on August 13 and 21 revealed the following levels of discharge from the Petitioner's facilities:

Parameter	Discharge from			Maximum allowable level	Controlling Regulation
	Discharge from sewage filter bed	8" Concrete tile west of filter bed	Discharge from 8" Concrete tile west of filter bed		
Date	8/13	8/21	8/13/74	-----	-----
Biochemical Oxygen Demand (mg/l) (BOD ₅ in milligrams per liter)	100	113	24	4	Chapter 3 Rule 404(f)
Suspended Solids (mg/l) (SS in milligrams per liter)	42	56	7	5	Chapter 3 Rule 404(f)
Fecal Coliform (per 100 ml)	----	103,000	---	400	Chapter 3 Rule 405

"The Agency inspection revealed that the surface of the boxes contained sewage, floating sludge and sand deposits. Septic sewage was draining through the cracks in the side walls of the sand filters and then flowing overland to an unnamed stream which also receives flow from an upstream pond located on the motel grounds. This stream flows into Lake Springfield. A second small discharge was also revealed about 15 feet west of the above mentioned sewage sand filter discharge. This discharge also enters the same unnamed stream to which the first discharge enters."

The Agency added the following comments based on its belief that all wastewater discharges are treated by the sand filter system:

"The flow from Petitioner's facility into the sand filters is estimated to be 20 gallons per minute, 12 hours per day (assuming flows at Petitioner's facility would occur mainly during the early morning hours and in the evening). Using the above assumption, approximately 14,400 gallons per day of sanitary wastewater will be directed to the two sand filters, or 33.3 GPD per square foot of sand. Intermittent sand filters receiving this type of waste function properly when a flow of 3 GPD per square foot of filter area or less is maintained. Therefore, Petitioner's sand filter is receiving a flow 11 times in excess of its capacity."

The Agency stated that although Petitioner rebuilt its sand filter system in early May 1975, the boxes are still hydraulically overloaded. An inspection on May 16 found the filter system improved. "However, a later Agency inspection of the facilities conducted June 3, 1975 revealed that the filters were clogged and bypassing was occurring. The results of effluent sampling conducted on May 16, 1975 are as follows:

BOD ₅	- 87 mg/l
SS	- 14 mg/l
Fecal Coliform	- 105,000/100 ml

No chlorination facilities were found at the time of either inspection."

The Petitioner and Agency both estimated that the City's extension sewer, Special Assessment Project No. 80, will be completed by August 1, 1975. Both parties believed that Petitioner could connect within a few days of the extension's completion. Until the connection is completed, Petitioner proposes to keep its septic tanks and sand filters performing at top efficiency. Petitioner stated that sand filter effluent would be chlorinated.

The hardship alleged by the owners of the motel is economic. Mr. and Mrs. Grady are the sole stockholders of the motel, and all their income is derived from the operation of the motel. Temporarily closing the motel would cause a "great financial loss to the Petitioner." The owners alleged that business was poor in 1974 due to the gas crisis and that "full occupancy this summer season is necessary for financial survival." No economic data were given to substantiate these claims. Petitioner also noted its good faith efforts in 1973 to correct the pollution problem by spending \$8,000 for system improvements. Petitioner also spent undisclosed sums in 1975 to have consulting engineers determine alternative means of lessening the pollution problem. The engineers' conclusions, marked Exhibit A to the Agency Recommendation, indicated few procedures are available to reduce discharges in the short time before Springfield's extension sewer is completed.

The Agency recommended that the variance be granted until August 15, 1975, subject to reporting, maintenance, and permit application conditions. The Agency concluded that upgrading the facility, suggested by the consulting engineers as feasible with expenditures of \$3,000, would take too long to be worthwhile. The Agency's Recommendation was also influenced by Petitioner's good faith efforts, albeit "to little avail," in attempting to correct a problem which has existed for many years.

We grant the variance. Petitioner has made some good faith efforts to comply in the past, and alternative methods of compliance are not presently viable. Although the record is not completely clear, efforts in 1970, 1973, and 1974 seem to indicate genuine attempts to correct the pollution problem. Proper care of present facilities and the elimination of laundry operations as suggested by the consulting engineers provide reasonable means of environmental protection. Based on the facts of this case, it would impose an unreasonable hardship to deny the variance here.

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

ORDER

Petitioner is hereby granted a variance from Rules 404(f) and 405 of the Board's Water Pollution Regulations from October 17, 1974 until August 15, 1975, subject to the following conditions:

a. Temporary chlorination facilities shall be installed by Petitioner to provide for the disinfection of the existing sand filter effluent;

b. The sand filters shall be maintained daily to provide the best possible effluent quality and service;

c. A Conditional Installation Permit shall be obtained from the Agency for the Petitioner's connection to the extension sewer, Special Assessment Project No. 80;

d. No on-site laundry operation shall be conducted until Petitioner's connection to the sewer extension is completed and properly operational; and

e. Within 21 days of the adoption of this Order, the Petitioner shall execute and forward to both the Illinois Environmental Protection Agency, Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and agreement to be bound to all terms and conditions of this variance. The form of said certification shall be as follows:

C E R T I F I C A T I O N

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 74-375 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

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



Christan L. Moffett, Clerk
Illinois Pollution Control Board