

ILLINOIS POLLUTION CONTROL BOARD

January 3, 1974

IN THE MATTER OF:)
)
THE PETITION FOR VARIANCE OF) PCB 73-360
)
CHRIS T. DEMOS)

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

The Petitioner, Chris T. Demos, filed a petition for a sewer variance, which was received by the Illinois Pollution Control Board on August 23, 1973. The Petitioner requests a variance from Paragraph 7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 70-12, 70-13, and 70-14 in order to obtain a sewer connection for a single-family residence to be built on Lot 18 in H.O. Stone Subdivision in Lake Forest, Illinois.

The Petitioner recently purchased a vacant residential lot across from his home, and plans to build a house there as an investment. He used savings and borrowed money (from 1st National Bank of Lake Forest) to buy this lot. Petitioner has paid an architect for house plans and arranged construction financing with the Lake Forest Savings and Loan Association. He is an "elementary school teacher, with limited income," and works "five nights a week until 11 or 12 p.m." to supplement his income from teaching.

Prior to purchasing the land in question, Petitioner contacted the building department in Lake Forest who allegedly told him that sewer connection permits were "coming through". After purchasing this lot, Petitioner applied to the North Shore Sanitary District for a sewer connection permit and learned that there could be a delay as long as 3 or 4 months. The Petitioner alleges that such a delay would place him "in a bad financial condition."

The proposed sewer connection would be tributary to the Clavey Road sewage treatment plant. Postponements in issuance of sewer connection permits in this area are related to (1) past performance of the Clavey plant, (2) changes which are being made in the Clavey Road plant, (3) diversion of sewage from three lakefront plants to Clavey when the latter can handle the additional sewage, and (4) the performance of the Clavey Road plant after improvements in it are effected and the above shifts in sewage are made. The North Shore Sanitary District should consistently produce an effluent with no more than 20 mg/l BOD and 25 mg/l total suspended solids, according to Rule 404(b) in Chapter 3 of the Board Regulations and as ordered by the Pollution

Control Board in North Shore Sanitary District v. Environmental Protection Agency, PCB 71-343, January 31, 1972.

A report of October 31, 1973 "Concerning The Present Status Of The North Shore Sanitary District," from the Acting Director of the Illinois Environmental Protection Agency, includes the following information concerning the performance of the Clavey Road plant for the 12 months October 1972 through September 1973:

<u>Month</u>	<u>Average flow (MGD)</u>	<u>Average BOD (mg/l)</u>	<u>Average TSS (mg/l)</u>
September 1973	6.72	7	18
August 1973	6.33	11	13
July 1973	6.34	19	23
June 1973	7.64	23	20
May 1973	8.19	30	31
April 1973	10.31	28	22
March 1973	9.21	35	21
February 1973	6.87	33	20
January 1973	7.56	18	17
December 1972	7.30	21	12
November 1972	7.63	35	13
October 1972	7.89	30	16
Average	7.67	24	19

This same Agency report indicates that at the Clavey Road plant "ten million gallons per day capacity is presently possible. Complete secondary treatment (18 MGD) is expected by March 1, 1974. Advanced treatment is scheduled by September 1, 1975."

Prior to July 1973, the Clavey Road plant failed to consistently maintain an effluent quality of no more than 20 mg/l BOD, as required by Rule 404(b) of Chapter 3 and North Shore Sanitary District v. Environmental Protection Agency, PCB 71-343. During July, August, and September 1973 they met this BOD standard, as they had met the total suspended solids standard during 11 of the last 12 months. Dry weather flows from the Lake Bluff, Lake Forest, and Carey Avenue plants were diverted to the Clavey Road plant beginning in November 1973, but their impact upon performance of the Clavey plant is not yet known.

On January 3, 1974, the Illinois Pollution Control Board (hereinafter Board) received a Stipulation from the North Shore Sanitary District (hereinafter District) and the Environmental Protection Agency in PCB 73-134, which added information concerning the status of several sewage treatment plants in the District, including increasing capacity at the Clavey Road plant during 1974. This Stipulation is pertinent to the subject case and, therefore, the Board will include the PCB 73-134 Stipulation as a part of this case. The PCB 73-134 Stipulation of January 3, 1974, requested "authority to issue 2,000 permits (8,000 P.E.) authorizing connection to its Clavey Road Plant" under several conditions, including 8B, that "No such permit shall authorize a connection to the system of the North Shore Sanitary District until July 1,

1974." The Board has not acted on PCB 73-134, but on the basis of information in that Stipulation plus the facts in the subject case, the Board will grant a variance for Mr. C.T. Demos to connect to the District sewer on or after July 1, 1974. This variance in the subject case will be effective irrespective of the decision in North Shore Sanitary District v. Environmental Protection Agency, PCB 73-134, and should not be construed as affecting in any way the disposition of PCB 73-134. If authority to issue 2,000 permits is granted in PCB 73-134, the Petitioner's permit would be counted as one of the 2,000. This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that the Petitioner's request for a variance is granted to connect to the North Shore Sanitary District sewer on or after July 1, 1974. The Stipulation of January 3, 1974, from the North Shore Sanitary District and the Environmental Protection Agency in PCB 73-134 is hereby incorporated in the subject case.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3RD day of January, 1973 by a vote of 5 to 0.

Christan L. Moffett