

ILLINOIS POLLUTION CONTROL BOARD  
January 16, 1973

FIRST NATIONAL BANK OF SPRINGFIELD, )  
as trustee of Trust #3005 )  
)  
)  
v. ) PCB 72-365  
)  
)  
ENVIRONMENTAL PROTECTION AGENCY )

OPINION OF THE BOARD (by Mr. Dumelle):

This opinion is in support of the order entered herein on December 12, 1972. Hearing was held on November 21, 1972.

This is a petition for variance to allow sewer connections from a new 36-unit apartment building complex in Springfield at 110-130 West Lake Drive. Petitioner contracted to purchase the property in August, 1971, subject to certain zoning changes and obtaining sewer taps. Thereafter petitioner was given verbal assurance by representatives of the Springfield Sanitary District that sewer taps would be available. Based upon that representation, petitioner purchased the land in September, 1971 and began construction in December, 1971. In reliance upon the assurance, petitioner undertook to contract for the construction and also to arrange a commitment for temporary and permanent financing. The owners have already personally invested around \$75,000 cash and have incurred personal liability for another \$400,000.

On July 12, 1972, the Agency imposed a sewer ban in the Springfield area until such time as the main sewage treatment plant will be expanded. The expansion is expected to be completed in March, 1973.

All waste from petitioner's apartments will be domestic. The average daily discharge will be 8700 gallons and would contain approximately 15 pounds BOD and 19 pounds suspended solids per day. The waste would discharge into a 15" sewer west of West Lake Drive and then travel in a northerly direction to a pump station. From there an 18" force main connects to a 66" sewer which goes to the Cook Street pump station. From there the system travels northward to the Eighth Street treatment plant.

The Agency has recommended that the variance be granted. We agree. Petitioner relied upon the Sanitary District's sewer tap assurances when they purchased the property.

Furthermore, construction was well under way prior to the Agency's sewer ban on July 12. To deny the variance at this point would impose an unreasonable hardship on the petitioner.

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

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 16th day of January, 1973 by a vote of 3-0.

Christan P. Moffett