

ILLINOIS POLLUTION CONTROL BOARD
September 5, 1974

HUBERT L. CHAPMAN)
PETITIONER)
)
)
v.) PCB 74-217
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on Petition of Hubert Chapman for variance from certain unnamed sections of Chapter 3, Water Pollution Regulations, filed June 14, 1974, for two trailer parks located in Carbondale, Illinois.

On June 24, 1974, the Agency filed its Motion to Dismiss. That Motion was denied by Order of the Board on July 11, 1974.

On August 6, 1974, the Agency filed its Recommendation. The Agency recommends variance requested from Rules 501 (a) and 1201 of Chapter 3 and Agency Technical Policy Statement 20-24 be denied.

On August 5, Mr. Michael Wadiak filed his objection to the grant of a variance to Petitioner. The objection being filed more than 21 days after the filing of the Petition did not oblige the Board to hold a hearing and no hearing was held.

Petitioner is owner and operator of two mobile home parks in Carbondale. The Wildwood Mobile Home Park is licensed for 89 units and the Southern Mobile Home Park is licensed for 77 units. Both units have three-stage lagoon cells to treat wastewater from the homes.

Petitioner alleges that all waste from the parks is of a domestic type and that there are three persons or less at each trailer space.

Petitioner feels the requirement of taking weekly samples of the effluent from his lagoon and filing of monthly reports with the Environmental Protection Agency is arbitrary and unreasonable. He alleges a cost of \$100 per month to do this sampling, and has been told by his certified operator that this cost could go to \$200 per month. He alleges these costs are arbitrary and unreasonable because they serve no useful purpose since the Agency allegedly takes monthly samples.

Petitioner further alleges that occupancy in his parks is down because of decreasing enrollment at Southern Illinois University. He feels that his fixed costs (i.e., taxes, license fees, and utilities)

are not going down, and that the cost of sampling is putting significant pressure on his cash flow.

In its Recommendation the Agency suggests, and the Board concurs, that Petitioner is in fact requesting variance from Rules 501 (a) and 1201 of Chapter 3 of the Board's Rules and Regulations.

Rule 501 (a) provides that all persons discharging effluents to the waters of the State of Illinois shall submit operating reports to the Agency. The Agency has promulgated Technical Policy Statement 20-24 to implement this rule. Petitioner is in fact requesting variance from the requirements of 20-24 as well as the substantive rule.

Rule 1201 requires that all treatment plants that discharge effluent into the waters of Illinois have a certified operator directing and in active supervision of the plant.

The lagoon at the Wildwood Mobile Home Park is a three-cell lagoon, the effluent of which after chlorination is discharged to Drury Creek, which is a tributary to Crab Orchard Creek which is tributary to the Big Muddy River.

Following are effluent levels from the lagoon that are contained in the Agency records.

<u>Date</u>	<u>BOD</u> (mg/l)	<u>Suspended</u> <u>Solids (mg/l)</u>	<u>Fecal Coliform</u> (Count/100 ml)	<u>pH</u>
Jan. 31/74	2	6	> 100	7.3
Mar. 5/74	9	19	> 100	6.9
Mar. 12/74	15	29	2300	6.9
Mar. 14/74	17	27	300	8.0
Apr. 26/74	13	21	100	8.4
Jun. 5/74	30	60	30,000	8.1
Jun. 25/74	15	31	100	8.0

MONTHLY OPERATION REPORTS

<u>Month</u>	<u>(mg/l)</u>	<u>Solids (mg/l)</u>	<u>Residual (mg/l)</u>	<u>pH</u>
Nov/73	6	10	0.0	8.0
Dec/73	12	1	0.0	7.3
Jan/74	14	3	0.0	7.3
Feb/74	10	10	0.0	7.2
Mar/74	12	7	0.1	7.3

The lagoon at the Southern Mobile Home Park is also 3-stage, which discharges to an unnamed natural drainage ditch tributary to Drury Creek, Crab Orchard Creek, and the Big Muddy River.

Following are effluent levels from this lagoon as contained in Agency records:

The objection filed by Mr. Wadiak states that his property adjoins the property in question and he feels that a close check should be maintained on the effluent from Petitioner's plants. He notes that at certain times of the year his horses will not drink the water because of odor and algae growths.

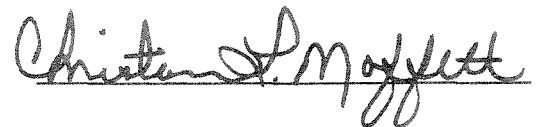
It is the opinion of the Board that Petitioner has not supplied adequate facts as to arbitrary and unreasonable hardship to justify the grant of a variance in this matter.

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 variance from Rule 501 (a) and Rule 1201 of Chapter 3 is denied without prejudice.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 5th day of September, 1974, by a vote of 4 to 0.


Christian L. Moffett