

ILLINOIS POLLUTION CONTROL BOARD

January 9, 1975

CENTRAL DUPAGE HOSPITAL ASSOCIATION)
Petitioner)
v.)
ENVIRONMENTAL PROTECTION AGENCY)
Respondent)

PCB 74-364

INTERIM OPINION of the Board (by Mr. Dumelle):

This Opinion is in support of an ORDER granting the sewer connection and issued on November 22, 1974.

Petition for variance to permit a sewer connection to the Village of Winfield sewage treatment plant in DuPage County was filed on October 9, 1974. No public hearing was held.

The Environmental Protection Agency filed its recommendation on November 18, 1974 and recommended a grant of the variance instantler. On November 19, 1974, just three days before the Board made its decision, the Petitioner moved that the matter be decided on November 22 because of the expiration of bids on November 30.

The variance petition asks for relief from Sections 12 and 39 of the Environmental Protection Act and Rule 927 of Chapter 3 (which are the Water Pollution Regulations of the Board). The Central DuPage Hospital Association ("Hospital") operates a 241-bed hospital on a 40-acre site in Winfield. Its primary service area contains in excess of 100,000 residents in central, western and northern DuPage County.

Average occupancy in the hospital for the first half of 1974 was 90.3% and at times all beds were occupied, it is alleged. In 1972, the petition states, an addition of 150-beds was planned of which 112-beds were to be installed and staffed. Fees and expenditures of some \$800,000 were incurred for this project. A refinancing of debt and funding for the addition of \$20,000,000 was secured through the Illinois Health Facilities Authority.

Construction of the addition is scheduled to begin November 1974. The following schedule is planned.

New Facilities in operation	-	November 1976
40-bed unit staffed	-	November 1976
Second 40-bed unit staffed	-	During 1977
Remaining beds staffed	-	As demand warrants through 1980

The Village of Winfield was unable to provide sewer service to the Hospital and had hoped that the Board's DuPage Regionalization proceedings (R 70-17) would bring a solution. The Board issued its Order in R 70-17 on August 29, 1974 and its Opinion on September 27, 1974. West Chicago, which was designated as one of the major treatment plants and was to have accepted Winfield's wastes, has appealed the DuPage Regionalization regulation to the Appellate Court. Consequently it is not known how long it will take to resolve the legal questions raised.

The Winfield sewage treatment plant is said to be "hydraulically and organically overloaded". The hospital alleges a bid expiration date of November 30, 1974 but speaks of the necessity to enter into a firm construction contract before October 31, 1974, a date since passed.

The Agency's recommendation is for a grant of the variance. The Agency asserts that the Winfield sewage plant, designed for 0.5 million gallons per day (MGD), averaged 1.61 MGD for the period from August 1972 through July 1973. Bypassing of sewage occurred during 11.3 days per month in the average in this same period. The average daily amount bypassed was 1.86 MGD which is in excess of flow through the plant.

As to the need for the hospital beds in northern DuPage County, the Agency states that the total hospital bed need is 818 beds and only 633 beds are now in existence, leaving a need of 185 as delineated in the Health Facilities Plan issued by the Comprehensive State Health Planning Agency.

A letter was received by Board on November 20, 1974 from the President of the DuPage County Comprehensive Health Planning Agency. It pointed out that the 185-bed "need" cited above was based upon 1972 data and that a 291-bed facility was under construction in Downers Grove. The letter went on to state that its Board of Directors could not make a formal recommendation until January 8, 1975. This of course, would be well past the November 30 date for expiration of the bids.

The Board feels that the record in this case is deficient. Neither the hospital nor the Agency delineate the damage, if any, caused by the constant bypassing of sewage to the West Branch of the DuPage River. The possible alternative of requiring holding tanks, as has been done in a dozen cases in the Rockford area, is not mentioned or discussed. Data for the Winfield plant end at August 1973 or 14 months prior to the date of the recommendation. We do not know the present extent of bypassing because of the lack of recent data.

The alleged fact of the expiration of bids is not proven. We are not told when the bids were taken nor with whom or the amount.

On the other hand, the 52,400 gallons per day of domestic waste will not flow, even partially, until November 1976 which is two years hence. With grant priority numbers for Winfield and West Chicago of 131 and 132 it seems reasonable that these projects will be funded soon and will proceed reasonably parallel with construction of the hospital addition.

We cannot rule on the need for the hospital beds for the reasons given above. But the overbuilding of hospital beds is a business risk which is primarily to be carried by the Central DuPage Hospital Association and one they are willing to accept.

The variance is granted on this incomplete record primarily because of the imminent expiration of the bids. We retain jurisdiction and require a stream study within 60 days as delineated in the Order. The hospital shall also report on and the Agency shall comment on the necessity and feasibility for holding tanks for this facility.

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

Dr. Odell dissents. Mr. Zeitlin abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion was adopted by the Board on the 9th day of January, 1975, by a vote of 3 to 1.


Christan L. Moffett, Clerk