

ILLINOIS POLLUTION CONTROL BOARD

August 9, 1973

C-W ENTERPRISES, INC.,)
)
 Petitioner,)
)
 vs.) PCB 73-205
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Clarence A. Darrow, Attorney for Petitioner
John Marco, Acting Director for the EPA

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

Petitioner C-W Enterprises, Inc. operates a 49-bed intermediate care nursing home in East Moline, Illinois and proposes to expand its facility to a total of 97 beds. In EPA vs. Silvis, PCB 71-157, this Board ordered:

"The Cities of Silvis and East Moline shall not permit the construction of any new sewers or other source of waste to their facilities, or any increase in the strength or concentration of waste discharged to their facilities unless permitted to do so, either by variance or otherwise."

C-W Enterprises seeks a variance from that Order for the purpose of increasing its nursing home capacity by 48 beds.

The East Moline Sewage Treatment plant is a primary treatment facility, which discharges chlorinated effluent directly to the Mississippi River. Although the plant has a design average flow of 2.5 MGD and a design peak flow of 7.5 MGD the pipe between the plants flume and the primary settling tank has a hydraulic capacity of approximately 4.5 MGD. Consequently, any flow in excess of about 4.5 MGD is bypassed without primary treatment or chlorination directly to the Mississippi River.

According to the EPA, recent East Moline Monthly Operation Reports show that the plant has received flows in excess of 4.5 MGD over a consecutive 3-month period. Presumably, during those times raw sewage has entered the Mississippi River.

Due to the enormous dilution ratio provided by the Mississippi River, the EPA has found no demonstrable river degradation resulting from the East Moline treatment plant effluent. The Agency believes that the granting of this variance would cause no appreciable adverse effect on the River. It was noted, however, that the East Moline drinking water intake location is less than two miles downstream of the East Moline sewage treatment plant outfall.

The plant's effluent consistently tests high for BOD and suspended solids. East Moline has been granted a variance from Rule 404(b)(i)--BOD and suspended solids--until February 27, 1974. This variance is subject to extension until December 27, 1975, the proposed completion date for a secondary treatment plant. The plan is to provide an 11.1 MGD secondary treatment facility to serve the communities of East Moline, Silvis, Carbon Cliff and Hampton.

The EPA has recommended denial of the variance requested by C-W Enterprises. Denial would probably prevent Petitioner from constructing the proposed nursing home addition until the end of December 1975.

C-W Enterprises states that the nursing home addition is needed for two reasons: to satisfy a tremendous need for more nursing beds and to make the nursing home more profitable for C-W Enterprises.

The care facility was completed and opened in December 1972. By February 15, 1973 it was completely full and since that date the waiting list has grown longer. The original intention was to increase the capacity in the second year of operation. Petitioner's decision to increase capacity after just six months of operation is apparently the result of high demand for nursing beds in the area.

Petitioner's desire to increase its profits is understandable but would not be sufficient in itself for the grant of a variance. If Petitioner's profits were the only issue we would not hesitate to deny the variance and inform the Company that it must delay its expansion until the regional sewage treatment system has been completed.

However, correspondence from the Illinois Department of Public Aid and the Illinois Department of Public Health indicate that there is a need for additional nursing care facilities in Rock Island County. The Rock Island County Superintendent for the

Department of Public Aid stated that there was a need for nursing beds and that she would like to see the East Moline Care Center expand its facility. In May 1973 the Planning and Construction Section of the Division of Health Facilities, Illinois Department of Public Health, calculated that the Rock Island-Moline service area, which includes East Moline, is in need of an additional 71 nursing care beds and 256 sheltered care beds.

Petitioners claim that the total of all raw materials and contaminants to be processed and disposed by the existing facility and the proposed addition would be a maximum of 50 gallons per minute. The Agency believes that the figure would be less than that estimated by the Petitioner.

We believe that the needs of the community are best served in this instance by allowing the variance. On balance, the need for additional nursing beds outweighs the effects of a rather minimal additional loading on the East Moline treatment system. The variance is granted because its denial would cause an undue hardship upon persons in the community who are in need of this additional facility. We recommend that Petitioner explore ways to minimize its discharge to the East Moline sewage system pending completion of the secondary treatment plant.

ORDER

It is ordered that Petitioner C-W Enterprises, Inc. is granted a variance from Order No. 10 of Environmental Protection Agency vs. City of Silvis, PCB 71-157 for the purpose of constructing additional sewers or increasing the strength or concentration of waste discharged to the East Moline sewage system in the construction of a 48 bed addition to its existing care center.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 7th day of August, 1973 by a vote of 3 to 0.


