

ILLINOIS POLLUTION CONTROL BOARD
June 21, 1973

ABE SCHWARTZ,)
)
) Petitioner,)
)
) v.) PCB73-41
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

Milton L. Schwartz on behalf of Petitioner;
Thomas A. Cengel, Assistant Attorney General, on behalf of
Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Seaman):

On January 1, 1973, Petitioner, Abe Schwartz, filed a petition for a one year variance from Rule 404 of Chapter 3: Water Pollution Regulations. Petitioner owns, operates and controls a laundromat in an unincorporated area of Nameoki Township, County of Madison, having no sanitary sewage system.

Petitioner's operation generates a daily average of approximately 2,800 gallons of wastewater from the washing machines. Petitioner contends that 80% to 85% of the wastewater is treated by a septic system consisting of six tanks. Septic effluent plus totally untreated wastewater is discharged to a drainage ditch, emptying into a storm sewer, tributary to Canton Creek.

Agency Surveillance Section samples indicate that Petitioner is in violation of Rules 203(a), 403, 405, 903(a) and 1002(b) of Chapter 3 in that Petitioner's effluent contains excessive concentrations of color, turbidity, fecal coliform, BOD and suspended solids resulting in violation of general water quality standards. Petitioner's future compliance is dependent entirely upon proposed installation of sanitary sewers in the vicinity of Petitioner's laundromat.

Petitioner alleges that the sewage service is planned for the immediate future. The Agency disagrees; however, neither party has presented sufficient evidence of record upon which this Board can determine the issue.

Petitioner's 1971 income tax return (Exhibit C) shows that the income produced by the laundromat was \$5,180 and that the total depreciated value of the laundromat's equipment is \$3,660. Petitioner's Exhibit D, a bid for the type of water treatment facility necessary in order to comply with applicable water pollution regulations, shows a cost of approximately \$20,000.

Petitioner states that he cannot afford to purchase this equipment and, even if he could, it would not be economically reasonable to expend \$20,000 to continue to operate a laundromat which generates such low income. There is also an \$11,000 balance on the \$15,000 loan Petitioner negotiated to purchase the laundromat (R. 10).

Petitioner, age 66, underwent cancer surgery three years ago, resulting in the loss of his urinary bladder and one kidney, and Petitioner alleges that, other than the light work involved in operating the laundromat, he is unable to engage in any other activity by which he could support himself.

The Board is disposed to grant a six-month variance in this situation, during which period the parties should be able to make a more demonstrative projection of when and if sanitary sewers will be installed adjacent to Petitioner's property.

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

IT IS THE ORDER of the Pollution Control Board that Petitioner, Abe Schwartz, be granted a six-month variance from Rule 404 of the Water Pollution Regulations.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 21st day of June, 1973, by a vote of 4 to 0.

Christan L. Moffett