

ILLINOIS POLLUTION CONTROL BOARD
July 12, 1973

RIDGEVIEW DEVELOPMENT COMPANY)
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 v.) PCB 73-158
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

A petition for a variance to connect a subdivision in Monticello, Piatt County, to the sewage system was filed April 18, 1973. Public hearing was held June 8, 1973. The Agency recommendation filed May 23, 1973 is for denial.

Ridgeview was granted a "construction only" sanitary sewer permit on March 30, 1972 but a year later, April 2, 1973 was denied an operating permit. The development contains 70 lots but the petition states that not more than 30 lots are likely to be sold in a year and not more than 15 lots will be sold in the four months from the date of filing forward.

The Agency's recommendation points out that the permit denial was made because of poor operation of the existing sewage plant and hydraulic overloading due to infiltration. Data supplied by the Agency show average monthly flows to the plant from 697,000 gpd up to 1,810,000 gpd compared to the design average flow of 476,000 gpd for the period August 1972 through February 1973. In this same period, bypassing is said to have occurred 79 times.

A new sewage treatment plant is under construction by the City of Monticello to give a design average flow of 1,000,000 gpd. Testimony at the hearing indicated that the sewage plant was 98% completed on June 8, 1973 (R. 15). Mr. John W. Mitchell, the engineer for both Ridgeview and Monticello, testified that the enlarged sewage plant could handle 2,000,000 gpd with full treatment by utilizing a polishing lagoon and an additional 2,000,000 gpd would get primary treatment and chlorination (R. 20). He felt that the addition of the entire development to the sewage system would not have a measurable effect upon its operation (R. 24).

Ridgeview's hardship is that \$238,000 has been invested in the development. Interest costs at 7% amount to about \$17,000 per year on this investment. We cannot tell from this record what hardships are being imposed upon the environment. No effluent data from the sewage plant are presented except for the May 1973 monthly sheet. Effluents for BOD₅ ranging from 23 mg/l to 139 mg/l are listed with an apparent average of 55 mg/l. The latter figure is far in excess of the 10 mg/l given as the plant standard (R. 21). Similarly, neither the Agency nor the petitioner provide any comments about the receiving stream's condition. We do not know its dissolved oxygen level nor whether it is septic or pure as the legendary mountain stream.

Ridgeview argues that 85 residences and a mobile home park of 55 homes have been permitted to connect to the sewer system since November 16, 1971 and that the residences, at least, might have been built upon its lots instead of elsewhere. This is not a persuasive argument because the Ridgeview development was not completed apparently until the April 2, 1973 denial of the operating permit. The record does show the disturbing fact of the permit being issued by the Illinois Department of Public Health for the mobile home park on November 29, 1971 just 13 days after the sewer extension ban by the Agency. The record is not clear as to whether this resulted from a communications breakdown between the two agencies or whether a loop-hole exists in the Agency's sewer ban powers through which mobile home parks can receive permits. We welcome further input from the Agency on this point for informational purposes.

Mr. Charles N. Finson, president of Ridgeview, stated that it was not probable that even 15 lots would be sold in the remainder of 1973 and that these might be in actual use 90 days after being sold with an occupied house newly built upon them (R. 35-36).

The Agency engineer, Abraham H. Loudermilk, Jr., testified that shock loads from local industry might be still a problem and could "wipe out" the biological growths on the trickling filter and affect the activated sludge plant as well (R. 42-3).

Thus the situation boils down to a newly expanded sewage plant fed by a leaky sewer system and receiving intermittent industrial shock loads with no performance data yet available.

Under these circumstances we cannot grant the variance for the full 70 lots in the development. We grant the variance for the lots which are expected to be sold in 1973, namely 15, without prejudice to a refileing of a variance for the balance of the lots after six months operating experience has been achieved with the enlarged sewage treatment plant. Should the Agency be satisfied with the plant's operation it can of course lift its own ban and further proceedings will not be necessary.

We urge both petitioner and the Agency to do a better job of carrying their respective burdens of proof with respect to environmental damage. And we especially urge the City of Monticello to accelerate its sewage infiltration correction program and to adequately control its industrial dischargers.


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

ORDER

Variance is granted to permit the connection of not more than 15 single family residences to the sanitary sewer. A petition for additional connections may be filed after six months operating data are available on the enlarged sewage treatment plant.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of July, 1973 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board