

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 1980

ALLSTATE INSURANCE COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 80-7  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

Petitioner has requested a variance from Rules 203(d), 402 (as it pertains to dissolved oxygen), 404(f), 910(a)(4), 910(b), and 962(a) of Chapter 3: Water Pollution. The Agency has recommended that the variance be granted subject to conditions. No hearing was held.

Petitioner has been developing a 63 acre site in South Barrington for the purposes of constructing a regional office complex. As part of its plans, Petitioner has proposed construction and operation of a sewage treatment plant to service 3,000 employees. The plant will be designed for an average flow of approximately 52,500 gallons per day. Petitioner is requesting effluent limitations of 10 mg/l BOD<sub>5</sub> and 12 mg/l suspended solids as thirty-day averages. Petitioner's application for a construction permit has been denied because of the findings of a computer simulation modelling study completed by the Northeastern Illinois Planning Commission pursuant to Section 208 of the Clean Water Act. This study was considered in Village of Bloomingdale v. EPA, PCB78-124, 31 PCB 125, October 19, 1978. That case provided relief similar to Petitioner's request, to over 280 dischargers. If Petitioner's proposed sewage treatment facilities had been in existence at the time Bloomingdale was decided, it would have been included in the relief granted.

Since South Barrington has no sewer service available to Petitioner, there are no reasonable alternatives to the proposed sewage treatment facilities. Petitioner has already incurred significant expenses in planning its office complex and is subject to ongoing expenses for financing, taxes, and construction. These expenses to date exceed \$1.5 million.

The Board concludes that denial of a variance would constitute arbitrary or unreasonable hardship. The reasoning in Bloomingtondale must be employed in this matter to avoid inequitable results.

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

ORDER

1. Petitioner is hereby granted a variance from Rules 203(d), 402 (as it pertains to dissolved oxygen), 962, 910(a)(4), 910(b) of Chapter 3: Water Pollution until October 19, 1983.
2. Petitioner is hereby granted a variance from Rule 404(f) of Chapter 3: Water Pollution until October 19, 1983 or until the Board reaches a final decision in R77-12, Docket C, whichever occurs first, subject to the condition that the effluent from Petitioner's proposed sewage treatment facilities not exceed 10 mg/l BOD<sub>5</sub> and 12 mg/l suspended solids as monthly averages.
3. Within 45 days of the date of this Order, Petitioner shall execute a certification of acceptance and agreement to be bound to the terms and conditions of this variance. The 45 day period shall be held in abeyance if this matter is appealed. The certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and understanding the Order in PCB 80-7, hereby accept that Order and agree to be bound by its terms and conditions.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

4. The Agency is hereby authorized to issue a NPDES permit to Petitioner in a manner consistent with this Order.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk, Illinois Pollution Control Board, hereby agree that the above Opinion and Order were adopted on the 20<sup>th</sup> day of March, 1980 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board