

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1980

ROY B. FELDKAMP, JOANN FELDKAMP)
AND CITY OF ALTAMONT,)
)
 Petitioners,)
)
 v.) PCB 80-10
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

On January 14, 1980 Roy B. Feldkamp and Joann Feldkamp (Feldkamp) filed this petition before the Board requesting variance from Sections 12(b) and 39(a) of the Illinois Environmental Protection Act (Act) and from Rule 962(a) of Chapter 3 of the Illinois Pollution Control Board Rules and Regulations (Regulations). Pursuant to a Board Order entered January 24, 1980 the City of Altamont was joined as a petitioner and Feldkamp amended the petition. On March 17, 1980 Feldkamp requested expedited decision alleging extreme hardship. Having received the Agency Recommendation herein on March 21, 1980, the Board herewith grants Feldkamp's motion for expedited decision.

Feldkamp owns and operates the Altamont Repair Service, located in Altamont Illinois, which employs a total of five persons. Feldkamp recently constructed a new facility at a cost of approximately \$85,000, which facility requires a sewer extension of approximately 50 feet from the building to a sewer main of the City of Altamont to be located near the Feldkamp property. The purpose of the extension is to provide washroom facilities for the five employees. Since Altamont's South Sewage Treatment Plant has been placed on restricted status by the Agency, Feldkamp has been unable to obtain a permit for the proposed extension.

In its recommendation, the Agency points out that since the Altamont Repair Service is being relocated, apparently within the area served by the same South Sewage Treatment Plant, there should be little or no increase in plant loading at this time, resolving in the conclusion that no adverse environmental impact should occur.

The total estimated discharge from the facility is 67 gallons per day. Considering this and the hardship that would be imposed upon Altamont Repair Service should it be unable to provide its five employees with washroom facilities, the Board finds that the proposed variance is warranted. The Board will therefore grant variance from Rule 962(a) of the Regulations under certain conditions. The Board finds that variance from Section 12(b) and 39(a) of the Act is unnecessary.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. Variance be granted Roy B. Feldkamp, Joann Feldkamp and the City of Altamont from Rule 962(a) of the Illinois Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution, under the following conditions:

(a) no other connection shall be made to this sanitary sewer extension until the City of Altamont's South Sewage Treatment Plant has been upgraded;

(b) the City of Altamont shall continue to pursue grant funds to upgrade its Sanitary Sewage Treatment Plant;

(c) the City of Altamont shall operate and maintain the Sanitary Sewage Treatment Plant so as to provide optimum operating efficiency; and

(d) within 45 days of the adoption of this Order, all Petitioners shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of acceptance of and agreement to be bound to all terms and conditions of this Variance. The 45-day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 80-10, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

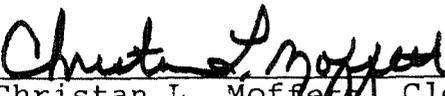
TITLE _____

DATE _____

2. Variance from Sections 12(b) and 39(a) of the Illinois Environmental Protection Act is hereby denied.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 3RD day of April, 1980 by a vote of 5-0.



Christan L. Moffett Clerk
Illinois Pollution Control Board