

ILLINOIS POLLUTION CONTROL BOARD  
June 2, 1983

MAPLE LAWN HOMES, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 83-37  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 ) AGENCY AND CITY OF EUREKA, )  
 )  
 ) Respondents. )

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by J. Anderson):

On May 27, 1983 Maple Lawn Homes (MLH) requested reconsideration of the Board's Order of May 19, 1983, which provided that the 33 P.E. anticipated from a 22 unit expansion could be directed to the City of Eureka treatment plant. MLH requests that the Order be modified to allow it to divert 33 P.E. from a sewer serving an existing portion of the facility, namely MLH Manhole B, to City Manhold I-46. It asserts that allowance of this equivalent diversion from the MLH plant would save an estimated \$15,000 in costs to lay sewer line to implement the Board's Order as drafted.

On May 27, the MLH filed a supplement to the motion reporting that the Agency had no objection to the proposed modification, and that the Agency did not intend to file comments. On June 1, 1983 the City of Eureka made comments by way of telegram. Its comments were that the proposed 33 P.E. substitution was equivalent, but that its certification of acceptance of these flows was contingent on resolution of contractual details. As this matter is being given expedited consideration, and the Board has verified that this telegram was sent, the procedural irregularity of this filing by telegram is waived, and the substance of the comments will be considered.

The Board notes that MLH should have included this information concerning the nature of its existing system in its original petition, as confusion and delay would not then have resulted. The Board finds that MLH's verified motion proposes a more cost efficient means of achieving the end outlined in the Board's May 19, 1983 Order. MLH's motion for modification is granted. The Board will amend its Opinion and Order as outlined below.

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

ORDER

1. Paragraph a) of the Board's May 19, 1983 Order is vacated, and shall be replaced with the following:

"a) This variance authorizes the Agency to issue to MLH permits to construct and operate a sanitary sewer extension to serve the 22 unit elderly housing units discussed in the Board's Opinion. The anticipated 33 P.E. flows from the unit may be directed to the existing MLH sewage treatment plant (STP), provided that flows of 33 P.E. are diverted from the MLH plant to the City of Eureka plant. MLH shall apply for permits to serve the 22 new units and to accomplish any diversion from the existing sewer system as expeditiously as is practicable. Grant of this variance does not relieve MLH of its obligation to obtain the City of Eureka's certification of willingness to accept 33 P.E. of additional flows."


2. The second sentence in the second full paragraph of page 4 of the Board's May 19, 1983 Opinion is deleted, to be replaced with

"Variance will be granted to allow immediate connection of 33 P.E. in flows to the Eureka system, with the condition that the existing overloaded lagoon system be operated in the best manner practicable."

3. MLH shall certify acceptance of the Board's Order of May 19, 1983 as amended by this Order of June 2, 1983.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Supplemental Opinion and Order was adopted on the 2<sup>ND</sup> day of June, 1983 by a vote of 4-0.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board