



Fogelson previously developed a ninety-unit subdivision across the road from Saddle Hill Estates in an unincorporated portion of Lake County. It constructed the STP at its own cost to treat sewage from its development. It was understood that upon completion of the Libertyville interceptor sewer, the STP would be dismantled and the sewage would flow directly into that interceptor. The County agreed to operate the STP until the interceptor became available. However, there have been continual delays in its construction, and the County is unable to predict a completion date. However, it does not object to Saddle Hill expanding the STP at its own expense to handle the flow from ten additional homes.

On March 25, 1981 the Agency denied Saddle Hill's application to increase the number of units discharging to the STP from forty to fifty. The reason was that the Agency determined that the increase would result in a hydraulic loading of 110%. However, Fogelson has initiated all necessary action to increase the capacity of the STP to serve all ninety-six Saddle Hill homes, and the County has agreed to continue operation. The planned expansion is estimated to be completed in 165 days. A minimum of 120 days is needed to build and connect homes to the system. Although Saddle Hill hopes to complete all 96 homes, this variance only requests that ten be allowed connection. Apparently, further connections will not be requested until after expansion of the STP or completion of the interceptor.

During 1980 Discharge Monitoring Reports disclose only two violations of NPDES permit conditions at the STP for BOD<sub>5</sub> and SS. The Agency alleges that the planned expansion should enable the STP to continue to meet NPDES requirements. However, the Agency further alleges that surcharging has occurred from an eight-inch line serving Fogelson's subdivision. Although this is not the same line which serves Saddle Hill, both are tributary to the same lift station. Therefore, any variance granted must be conditioned on resolving the problems which result in such surcharging.

Saddle Hill and Fogelson have advised the Agency that they are proceeding with steps to eliminate the surcharging. They have also expressed a willingness to take other actions recommended by the Agency to assure that the surcharging will not be repeated. During a recent two and a half inch rainfall the Agency observed no surcharging.

The Board finds that any adverse environmental impact should be minimal. The time period of overloading at the STP should be of short duration since the earliest projected date for new connections is only forty-five days prior to the estimated date for completion of expansion of the STP. Further, the efforts to solve the surcharging problem, the abandonment of the STP upon completion

of the interceptor, and the interim expansion of the STP should all serve to minimize any adverse impact.

Given the lack of serious harm, the Board further finds that denial of the variance would impose an arbitrary and unreasonable hardship. Saddle Hill has apparently committed itself to delivery of some of the homes and has completed plans for the remainder. It is carrying interest charges of over \$254,000/year and other costs of approximately \$200,00/year. Further, at least thirty construction jobs would be lost in Lake County, and marketing and promotion momentum generated over the last two years will be dissipated.

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

ORDER

1. It is hereby ordered that Saddle Hill Estates and the Fogelson Companies, Inc. (Petitioner) be granted a variance from Rule 962(a) of Chapter 3: Water Pollution, subject to the following conditions:

a. This variance shall only apply to allow extension of tributary sewer lines to serve 10 additional single family dwellings.

b. Occupancy and use of the additional dwellings, or any of them, shall be prohibited prior to Petitioner's installation of backup blower equipment at the Terre Fair STP as set forth in the Agency's recommendation in PCB 81-69.

c. Whenever the interceptor sewer becomes available, Petitioners shall connect to it and abandon the Terre Fair STP as soon as practicable;

d. Petitioners shall obtain all necessary permits for the sewer system extension sought by them.

e. Petitioners' expanded STP shall be on line and operational as soon as practicable, but in no event later than 90 days after the Agency approves Petitioners' permit application for the expansion of the Terre Fair Treatment Plant; Petitioners shall submit a complete permit application (including plans and specifications) within forty-five (45) days of the grant of this variance.

f. Petitioners shall assure that all lines tributary to the Terre Fair STP shall at all times be properly installed so as to prevent surcharging. This shall include, but need not be limited to, the following:

1. Proper installation and grading of manholes

to prevent storm water inflows to the sanitary sewer lines.

ii. Installation of proper equipment at tributary lift stations;

iii. Location and removal of blockages within sewer lines as necessary.

g. Respondent Lake County Department of Public Works will assure proper operation and maintenance of the plant in accordance with Paragraph 1. of an agreement entered into between the County and Petitioners on August 12, 1975 and attached as "Exhibit D" to the Petition.

2. The Agency is hereby authorized to issue a Permit to Construct and Operate a sewer system extension consistent with the Board's Order herein and including the requirement that Petitioners' sewer lines, as extended, shall be constructed and maintained so as to prevent backups and surcharging.

3. Within 45 days after the date of this Order the Petitioners shall execute and forward to the Illinois Environmental Protection Agency, Water Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706 and to the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. This 45 day period shall be held in abeyance for any period during which this matter is appealed. The form of said Certification shall be as follows:

CERTIFICATION

Saddle Hill Estates and the Fogelson Companies, Inc., Petitioners herein, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 81-66 hereby accept said Order and agree to be bound by all terms and conditions thereof.

SADDLE HILL ESTATES

THE FOGELSON COMPANIES, INC.

By \_\_\_\_\_  
Name(s)

By \_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Title or Capacity in which  
Signing

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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 31<sup>st</sup> day of July, 1981 by a vote of 3-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board