

WEST SUBURBAN ASSOCIATION)	
FOR RETARDED CHILDREN, INC.)	
)	
Petitioner,)	
)	
v.)	PCB 82-66
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

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

West Suburban Association for Retarded Children, Inc. (West Suburban) filed a petition for variance from Section 309.241, (former Rule 962(a) of Chapter 3: Water Pollution) on May 25, 1982. On May 27, 1982 the Board allowed West Suburban forty-five days to correct the petition's deficiencies and on its own motion joined the Village of Lombard (Lombard) as a petitioner. On July 21, 1982 the Board accepted the amended petition filed on July 13, 1982. The amended petition requested expedited consideration, but public hearing was neither requested or waived. The Board ordered West Suburban to submit an affidavit if it chose to waive hearing. On August 4, 1982 the Board received West Suburban's waiver and affidavit. On August 25, 1982 West Suburban renewed its motion for expedited consideration, stating that a decision was needed on or before September 2, 1982 to preserve federal grant construction money. That motion is hereby granted.

West Suburban seeks variance from the Standards of Issuance rule, Section 309.241, so that it may obtain a permit to construct and use a sewer connection to the Lombard sewer system. Since July 16, 1980 the entire Lombard sewer system has been on Restricted Status due to surcharging sewers, overflows and basement back-ups. Without a permit, West Suburban cannot obtain grant money from the Department of Housing and Urban Development (HUD) to construct a residential facility to train mentally retarded children which it intends to construct and operate at 1005 East Division Street, Lombard, Du Page County, Illinois. The facility will be used by approximately twenty-five persons, most of whom already reside elsewhere in Lombard. West Suburban has already obtained the necessary zoning amendments for the property in question on June 14, 1979 and variance from Lombard's building moratorium on July 9, 1981. (Pet. Ex. B and C). Now variance from Lombard's Restricted Status is required so that

West Suburban may obtain permits to construct and operate a sewer extension prior to the Lombard sewer system being removed from Restricted Status.

The Lombard sewer system includes combined and separate sewer systems with basically three interceptor sewers. West Suburban's planned sewer extension will be a tributary to a 108 inch interceptor. Using its own funds, Lombard has been upgrading the sewer system serviced by this interceptor. Currently Lombard is constructing a West Side interceptor which should remove approximately 5,300 P.E. from the interceptor. Three manholes in the area are to be repaired within the coming year. It is estimated that these actions will reduce infiltration/inflow to the 108 inch interceptor by 3,400 gpd or 34 P.E.

In addition to Lombard's efforts, West Suburban alleges that the proposed sewer extension will not aggravate the existing sewer system or cause additional environmental harm. The proposed extension is adequate for all dry weather flows. Furthermore, adverse effects during wet weather should be alleviated in that:

- 1) occupancy of the proposed residence should not be until Spring, 1983 after Lombard has completed the repairs to the three manholes;
- 2) a sump pump will be removed from another interceptor, reducing 108 P.E. from the entire system;
- 3) development of the property will reduce sheet run-off by approximately 3.68 cfs; and
- 4) that the majority of the proposed residents already reside in and use the Lombard sewer system.

West Suburban alleges that if variance is denied it will suffer arbitrary and unreasonable hardship losing both the time and money, approximately \$2,000, already invested in developing this site. More importantly, West Suburban states that variance denied may mean the permanent loss of this facility because the HUD grant would be lost, and that the retarded children and adults to be cared for would become wards of the State.

The Agency agreed that the proposed extension should not aggravate environmental harm. It did question whether allotting reduction for the sheet run-off was accurate in that this amount would be released directly into the sewer system, as opposed to infiltration, and noted that removing the sump pump would only reduce the flow to the system as a whole rather than the 108 inch interceptor specifically. However, the Agency adduced that due to the work already done by Lombard and that planned under the Construction Grant Program, the West Suburban sewer extension should not aggravate or cause environmental problems.

The Board finds that the proposed extension would not cause environmental harm should variance be granted. Occupancy by approximately twenty-five persons is not anticipated until three manholes surrounding the extension are repaired at an estimated flow reduction of 3,400 gpd or 34 P.E. Since the sewer extension currently located at the proposed site is estimated at 4 P.E., this means that approximately an additional 20 P.E. will be introduced into the 108 inch interceptor should variance be granted. Therefore, the increased flow of the proposed sewer extension should be accommodated by the reductions anticipated by the manhole repairs. The only alternative to the sewer extension would be the use of a septic system which the Board has found in the past to be useful only as a last resort due to its characteristics and the poor percolation rate of the soils in this area. In addition, the Board finds that the possibility of environmental harm is reduced because the proposed occupants already reside in Lombard. Although they may not be in homes on the same interceptor, the system as a whole should not be affected by relocating these persons.

The Board finds that West Suburban has sufficiently demonstrated that arbitrary and unnecessary hardship would result should variance be denied. The amount of money and time invested to date is not great, but the loss of the HUD grant money and subsequent loss of this facility to the community would result in a harm not necessarily valued in dollars. Variance from Section 309.241 is granted to Lombard so that West Suburban may obtain the necessary permits for construction and operation of a sewer extension, subject to the certain conditions.

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

ORDER

The Village of Lombard is granted variance from Section 309.241, Standards of Issuance, so that Petitioner, West Suburban Association for Retarded Children, Inc., may obtain construction and operating permits from the Illinois Environmental Protection Agency for a sewer extension located at 1005 East Division Street, Lombard, Du Page County, Illinois, subject to the following conditions:

- 1) The Village of Lombard shall repair manholes C-310, C-5491, and C-525 prior to occupancy of the proposed residence and shall report the repairs completed to the Illinois Environmental Protection Agency.
- 2) No more than twenty-five (25) persons shall occupy this facility until such time as the sewer system serviced by the 108 inch interceptor is removed from Restricted Status.

- 3) Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We) _____ having read the Order of the Illinois Pollution Control Board in PCB 82-66, dated _____, understand and accept the said conditions thereto binding an enforceable.

Petitioner

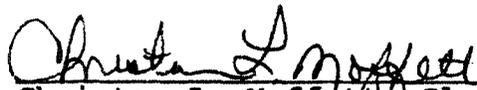
By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 2nd day of September, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board