

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1977

VILLAGE OF VILLA PARK,)	
)	
Petitioner,)	
)	
)	
v.)	PCB 76-273
)	
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board on a Petition for Variance filed by the Village of Villa Park, DuPage County, Illinois. Petitioner seeks a variance from Rule 962(a) of the Board's Water Pollution Regulations in order to construct a sanitary sewer extension to serve Lots 2-7 on North Avenue west of Villa Avenue in Villa Park. The receiving sewage treatment plant was placed on restricted status on April 15, 1976. With the exception of Lot #5, which is presently vacant, these lots contain commercial buildings with an average combined daily flow of 1,500 gallons. The buildings are presently served by septic systems which have malfunctioned, resulting in effluent reaching the ground surface during wet weather. On November 22, 1976 the Agency submitted an objection to the granting of the requested variance. However, on December 16, 1976 the Board granted the Agency's December 13, 1976 Motion to Withdraw its Objection. The Agency filed its Recommendation on December 13, 1976 requesting that the Board grant the requested variance. No public hearing has been held in this matter.

The facts alleged in the Petition and the Agency's Recommendation clearly indicate that a denial of this variance would result in an arbitrary or unreasonable hardship. The Salt Creek Drainage Basin Sanitary District Treatment Plant (Plant) is currently being upgraded and expanded from a capacity of 3.5 MGD to 12.5 MGD. The final completion date is scheduled as November 1977. The expanded primary treatment facilities will be available for use in the Spring of 1977, at about the time the proposed sewer extension would become operable. The plant's tertiary treatment facilities would become available during the Summer of 1977. Further, the

proposed eight inch sanitary sewer would not be tributary to any combined sewers inasmuch as the Agency has already certified Petitioner's Step II grant application for the separation of sanitary and storm sewers to the U.S. Environmental Protection Agency for final action.

The Agency's Recommendation gives effluent data for five recent months with BOD₅ levels ranging from 10-14 mg/l and suspended solids from 24-26 mg/l compared to the standard to be achieved of 10 mg/l BOD₅ and 12 mg/l suspended solids.

Any environmental damage caused by the grant of this variance would be miniscule, especially when weighed against the health hazard created by the presently malfunctioning septic systems. There can be no doubt that this variance is required in order to prevent an arbitrary or unreasonable hardship from being placed upon the Village of Villa Park.

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

ORDER

Petitioner, Village of Villa Park, DuPage County, Illinois is hereby granted variance from Water Pollution Regulation 926(a) to enable it to construct and operate an eight inch sanitary sewer extension from Lots 2, 3, 4, 5, 6, and 7 on North Avenue in Villa Park to the Salt Creek Drainage Basin Sanitary District Treatment Plant via the existing 18 inch sewer on Villa Avenue.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14th day of January, 1977 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board