

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1978

GLOBE WHOLESALE BUILDING,)	
)	
Petitioner,)	
)	
v.)	PCB 78-166
)	
ILLINOIS ENVIRONMENTAL PROTECTION)	
AGENCY,)	
)	
Respondent.)	

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

This matter was brought before the Board by Globe Wholesale Building (Globe) on an emergency basis requesting variance from Section 962 of the Board's Water Pollution Regulations (Regulations) to allow the Illinois Environmental Protection Agency (Agency) to issue a permit under Section 952 of the Regulations for Globe's warehouse located in the Village of Itasca, Illinois.

At the time of construction, the building was allocated 30 population equivalents (P.E.) with respect to the sewage discharge of the industrial site in which it is located. Globe was required to file with the Illinois Environmental Protection Agency for a permit for the allocation but, apparently through a misunderstanding, Globe was informed that it would not need a permit since it proposed to discharge less than 1500 gallons of effluent per day. A permit for 30 P.E. was thus never issued, and in 1976, the Village of Itasca was placed on restricted status by the Agency. Globe is in negotiations with Superior Tea to rent the entire premises to Superior Tea, but as a condition precedent to the lease being consummated, Superior Tea requires an occupancy permit covering their eventual full time employment of 175 employees and transient flow of 25 outside truck drivers which may from time to time be on the premises. It is estimated that this number of people would produce a P.E. of 28.

Globe alleges that it would be unable to rent the warehouse without the permit and that the result would be not only extreme financial hardship to Globe but in addition would cause the eventual loss of jobs and would cause the warehouse to be empty and therefore a blight in the area. The Agency Recommendation was received by the Board on an emergency basis and indicates that the sewage treatment plant operated by the Village of Itasca is under restricted status and is in violation of water quality and effluent standards at the present time. However data presented by the Agency indicates that Spring Brook, the receiving stream, does not seem to be adversely affected by Itasca's discharge. The Agency proposes that a variance for 28 P.E. be granted rather than the 35 P.E. requested by Globe.

The Board finds that it would be an arbitrary and unreasonable hardship to deny Globe this variance, particularly since the need for the variance appears to be caused by a minor ministerial or administrative error in 1973. The Board will therefore grant variance to Globe for its warehouse from Rule 962 Chapter 3 for a total of 30 P.E., the original allotment for that warehouse, under certain conditions.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that Globe Wholesale Building be granted variance from Rule 962 of Chapter 3 of the Board's Water Pollution Regulations subject to the following conditions:

- A. Discharge shall be limited to 30 population equivalents.
- B. This variance in no way affects the status of the Itasca sewage treatment plant.
- C. Within 45 days of the adoption of this Order, the Globe Wholesale Building shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. 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

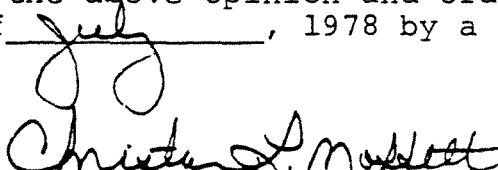
I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-166 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 20th day of July, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board