

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 1977

MARYVILLE COLONIAL NURSING HOME, )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-151  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This case comes before the Board on a request for a variance from Rules 203(f), 402 and 404 of Chapter 3: Water Pollution of the Board's Rules and Regulations. Petitioner is planning to either upgrade its existing package plant or divert its effluent to the Maryville Interceptor. A variance is requested so that Petitioner can continue to operate its inadequate sewage treatment facility in the interim.

On September 1, 1977 the Board reinstated this case after it had been dismissed without prejudice. On that same day the Agency filed its recommendation in support of the variance.

At the time Petitioner filed its request for a variance, a preliminary engineering report had not been completed. That report was attached as Exhibit #1 to the Agency's Recommendation. It would appear from this study that Petitioner will divert its effluent to the Maryville Interceptor since this is the most cost effective alternative. The Agency has indicated that this alternative should take approximately six months to complete, but there is no evidence in the record that Petitioner has selected this alternative. In the Petition for Variance, one year is requested.

The Board finds that immediate compliance with Rules 203(f), 402 and 404 of Chapter 3 would constitute an arbitrary and unreasonable hardship upon Petitioner. Petitioner shall have one-year to decide which alternative to pursue and to complete that course of improvement. In the interim, the present level of sewage treatment shall be continued.

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

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27-441

ORDER

It is the Order of the Pollution Control Board that Petitioner is hereby granted a variance from the requirements of Rules 203(f), 402 and 404 of Chapter 3: Water Pollution of the Board's Rules and Regulations for a period of one year from the date of this Order subject to the following conditions:

a) Maryville Colonial Nursing Home shall apply for and obtain all necessary permits from the Agency in order to complete its selected alternative.

b) Maryville Colonial Nursing Home shall take all necessary steps to ensure that the nature of the effluent from its treatment plant does not markedly change from that presently discharged.

c) Within 35 days of the Board's final Order herein, Petitioner shall execute and forward to the:

Variance Section  
Division of Water Pollution Control  
2200 Churchill Road  
Springfield, Illinois 62706  
Attention: Roger Callaway

a Certification of Acceptance and agreement to be bound to all terms and conditions of the variance. 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 77-151 hereby accept said Order and agree to be bound by all the terms and conditions thereof.

Signed by \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

IT IS SO ORDERED

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted on the 15<sup>th</sup> day of September, 1977, by a vote of 4-0.

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

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