

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1976

S & S DEVELOPMENT,)
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 Petitioner,)
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)
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 v.) PCB 76-178
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 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 S & S Development on June 21, 1976. The Petition was amended on August 20, 1976 and the Agency filed its Recommendation on November 4, 1976. No hearing was held.

Petitioner seeks relief from Water Regulation 962(a) to allow the connection of a high rise apartment building for the elderly onto the Effingham, Effingham County, Illinois sewer system in spite of the Agency imposed restricted status in effect since January 25, 1975.

The proposed building will contain forty one-bedroom apartments and is expected to house eighty persons and will cost about \$688,000. The project is to be built under the auspices of the Federal Department of Housing and Urban Development and will qualify for rent subsidy payments. Such housing is greatly needed in Effingham County (Exh. A).

The Board must determine whether the hardship which would be occasioned by a denial of this variance so outweighs the environmental harm as to render that hardship arbitrary or unreasonable. A crucial consideration here is the effort taken by the City of Effingham to modify the Henrietta Lift Station and its sewage treatment plant. The Agency has found the City's progress to lead to the conclusion that a grant of the variance would result in a minimal effect on the Effingham Sewage Treatment Plant and the quality of its effluent. The proposed project will result in the addition of approximately 8,000 gallons per day to the Effingham plant.

Effluent strength from the sewage plant in 1976 ranged from

43-52 mg/l BOD₅ and from 45-85 mg/l suspended solids. These levels are at least 4 times the standard for this plant (10 mg/l BOD₅ and 12 mg/l suspended solids. While the effect of this discharge on the receiving stream has not been clearly demonstrated in the record, the Board has sufficient facts before it to conclude that the denial of this variance would place an unreasonable hardship upon Petitioner and the senior citizens of Effingham County. However, the connection may not be used until the upgrading at Effingham's plant and lift station have been completed.

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

ORDER

Petitioner, S & S Development, is hereby granted variance from Water Regulation 962(a) to allow the construction of a sewer connection for a forty-unit housing development (eighty population equivalent) onto the City of Effingham sewage treatment system. Said connection shall not be operated until such time as the interim improvements to the plant and lift station (page 3 of Agency Recommendation) are completed.

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 10th day of November, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board