

ILLINOIS POLLUTION CONTROL BOARD

April 8, 1976

VILLAGE OF ADDISON, )  
 )  
 Petitioner, )  
 )  
 )  
 v. ) PCB 76-3  
 )  
 )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

Mr. Hubert Loftus and Mr. Thomas J. Riggs, appeared on behalf of Petitioner.

Mr. John T. Bernbom and Ms. Barbara J. Revak, appeared on behalf of Respondent.

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

This matter comes before the Board upon Petition of the Village of Addison (Addison) for variance from Rule 962 of Chapter 3 Water Pollution Regulations of the Illinois Pollution Control Board (Regulations) filed on January 5, 1976.

Addison seeks this variance in order to connect the Kingery West Subdivision by sanitary sewer line to the Addison South Wastewater Treatment Plant which was placed on restricted status on November 8, 1974, by the Illinois Environmental Protection Agency (Agency). The Subdivision is located in the flood plain of Salt Creek on the east side and was annexed to Addison in 1974. There are a total of 107 lots in the Subdivision, seventy-five percent of which are occupied by single family dwellings. At present the Subdivision is served by septic tanks and private wells. When Salt Creek reaches flood level, the drinking wells within the Subdivision are contaminated and the septic tanks become inoperative causing raw wastes to discharge into roadside ditches.

Addison proposes to provide municipal treatment service to the

Subdivision by extending a sanitary sewer line from the Subdivision to the Addison South Wastewater Treatment Plant. Addison has already been awarded a State Grant to construct a sanitary sewer connection to service the Subdivision, however, by special condition of the Grant, Addison must obtain a variance from Rule 962 Chapter 3 by April 15, 1976. In addition, Addison is required to submit plans and specifications to the Agency by March 1, 1976, and the sewer connection must be operational by August 1977. Addison alleges that failure to allow this variance will result in termination of the State Grant and, therefore, would cause Addison arbitrary and unreasonable hardship. In addition Addison points to the public health hazard now in existence due to the use of septic systems in the Subdivision.

On February 10, 1976, the Agency filed their recommendation essentially agreeing with Addison's contentions and recommending that the variance be granted with certain restrictions. Hearing was held in this matter on March 15, 1976, at which evidence was presented concerning the public health hazard caused by flooding of Salt Creek with the resultant contamination of drinking water wells and flooding of septic systems. In addition to the testimony of a number of citizen witnesses concerning the health problems in the area in which they reside, the Chief Environmental Engineer for Du Page County testified as to the periodic unsafe health conditions in the area including contaminated wells and malfunctioning septic systems. This witness stated that the septic system should be replaced by a municipal sewer and that, in his professional opinion, the municipal treatment system was the only available alternative.

Although the evidence presented in the record indicates Addison's Sewage Treatment Plants are in a hydraulically overloaded condition, the Board agrees with the recommendation of the Agency that the Village of Addison be granted variance from Rule 962 in order to alleviate the health hazards which exist within the Subdivision. The Board will therefore grant variance to Addison so that the existing homes in the Subdivision may be connected to the Addison Sanitary Treatment Plant, however the number of connections to be made will be limited to the number of residences existing at the time of this Order which are presently occupied, and Addison will continue to operate and maintain their Sewage Treatment Plant in the most efficient manner possible.

This Opinion constitutes the finding of fact and conclusion of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that:

The Village of Addison be granted a variance from Rule 962 of Chapter 3, subject to the following conditions:

- (a) that the Village of Addison apply for and obtain an Agency permit to construct and operate the sanitary sewer to service the Subdivision;
- (b) that connections to the proposed sanitary sewer to service the Subdivision be limited to those residences which are presently occupied;
- (c) that the Village of Addison operate and maintain the South Plant in such a manner as to achieve the best quality of effluent possible;
- (d) within 28 days after the date of the Board Order herein the Petitioner shall execute and forward to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706 and to the Illinois Pollution Control Board 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 thee Illinois Pollution Control Board in PCB 76-3 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 8<sup>th</sup> day of April, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board