

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1977

JAMES T. NEWMAN,)
)
) Petitioner,)
)
)
) v.) PCB 77-137
)
)
) ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

This matter is before the Board on a Variance Petition filed May 20, 1977 seeking variance from Chapter 3: Water Pollution Regulations, Rule 602(b). On June 9, 1977 Petitioner amended the Petition in compliance with the Board Order of May 26, 1977 by waiving the hearing.

Petitioner requests a variance to allow the connection and operation of sewer extensions for five of ten residential lots in the Newman subdivision of New Athens, St. Clair County. The New Athens sewage system is on restricted status. It was designed to treat a population equivalent of 2000 but presently serves 2050 residents. The New Athens plant, which discharges into a one-half mile ditch connecting to the Kaskaskia River, is periodically overloaded, both hydraulically and organically. The Agency indicates the plant is well run, though, and sample analyses indicate the effluent has been close to meeting effluent standards. Further, the plant is presently being upgraded to treat a population equivalent of 3000 and is scheduled for completion in January, 1978.

Newman argues that denial of the variance would impose an arbitrary and unreasonable hardship. Prospective lot owners would be forced to install septic tanks at a cost of \$1,000 and then

remove the tank after a period possibly as short as four or five months. This would deter buyers from locating in the Newman subdivision and would leave Petitioner with the cost of his investment but no return. Against Petitioner's hardship weighs the short time before restricted status is lifted and the effluent samples showing standards are presently close to being met. Because minimal environmental impact will result from the connection of the five residences, we believe denial of the variance would impose an arbitrary and unreasonable hardship. The variance is granted until April 1, 1978 or until the New Athens upgrading facility is in operation, whichever is first.

This Opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

The Pollution Control Board hereby grants James T. Newman variance from Rule 602(b) of Chapter 3: Water Pollution Regulations to allow the connection and operation of sewer extensions to five (5) residences in the New Athens subdivision herein until April 1, 1978 or until the New Athens upgraded facility is fully operational, whichever is first.

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 18th day of August, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

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