

ILLINOIS POLLUTION CONTROL BOARD
December 14, 1978

ARLINGDALE DEVELOPMENT)
CORPORATION II,)
)
Petitioner,)
)
v.) PCB 78-216
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Petitioner has requested a variance from the requirements of Rule 404(f) of Chapter 3: Water Pollution of the Board's Rules and Regulations. Instead of complying with the present standard of 4 mg/l BOD and 5 mg/l suspended solids, Petitioner wishes to design a sewage treatment plant to serve a development of 400 single family homes which would produce an effluent containing no more than 10 mg/l BOD and 12 mg/l suspended solids (10/12). The Agency has recommended that the variance be granted but that it not be required to issue a construction permit for the proposed plant. No hearing was held on this matter.

Petitioner wishes to construct a sewage treatment plant because the Village of Wood Dale, where the development is located, is currently on restricted status. Petitioner claims that Wood Dale would lose tax revenue and there would be "very significant losses to the private sector" if a variance is not granted. These losses are never quantified in this record. The variance would expire when Petitioner could comply with Board standards or connect to the Wood Dale sewer system.

In an Amended Recommendation the Agency states that the 10/12 standard is appropriate but that Petitioner's proposed package plant should not be built. After listing its objections to this type of plant, the Agency points out that Petitioner could connect to Wood Dale's north sewage treatment plant once a compliance program has been completed or to the south plant at the present time. In addition, the Agency notes that Petitioner has not addressed the problem of conformance with the Board's water quality standard for dissolved oxygen.

The dissolved oxygen issue was discussed in the Board's Opinion in Village of Bloomingdale v. EPA, PCB 78-124, November 2, 1978. Since the Board granted all the dischargers in Petitioner's

vicinity a variance from this standard and Rule 404(f), it would apparently be inequitable to deny Petitioner similar relief. The problem in this case is that the Board shares the Agency's apprehensions concerning small package treatment plants. Whenever possible this alternative should be avoided. The Board finds that Petitioner has not established arbitrary or unreasonable hardship until it quantifies how much it would cost to connect to the south plant, which can presently accept its wastewater.

In addition, on the face of the Petition it appears that any hardship Petitioner might suffer if this variance were denied would be self imposed. The Board assumes that Petitioner was aware of Wood Dale's treatment capacity before it decided to go ahead with this proposed development.

This matter is being dismissed without prejudice so that Petitioner can refile with the additional information noted above.


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

ORDER

Petitioner's request for a variance from Rule 404(f) is hereby dismissed without prejudice.

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 14th day of December, 1978 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board