

ILLINOIS POLLUTION CONTROL BOARD

May 26, 1977

TRUST #182, CRAWFORD COUNTY STATE)
BANK, ROBINSON, ILLINOIS, (FAIR-)
FIELD LAMPLIGHT MANOR APARTMENT)
COMPLEX), and CITY OF FAIRFIELD,)
)
Petitioners,)
)
v.) PCB 76-324
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Petition for Variance was originally filed on behalf of Trust #182, Crawford County State Bank, (Lamplight Manor), on December 27, 1976. On January 6, 1977, this Board entered an Interim Order requiring additional information on the Petition, which information was filed on January 20, 1977, in an Amended Petition.

Pursuant to a formal Objection filed by the Environmental Protection Agency (Agency) on February 1, 1977, the Board ordered the matter set for hearing. On March 17, 1977, the Board entered an additional Interim Order granting the Agency's motion to join the City of Fairfield, Illinois (Fairfield), as a necessary party. (Without the Board's knowledge, the City of Fairfield's City Council passed a resolution on March 8, 1977, expressing Fairfield's intent to become a party to the matter, R. 35.)

The Agency's Recommendation was filed with the Board on March 3, 1977. A hearing was held in Fairfield on March 23, 1977. Certain difficulties with that hearing, subsequently resolved, are detailed in an Interim Order of the Board dated April 28, 1977.

The Petition and Amended Petition in this matter seek variance from Rule 962 of Chapter 3: Water Pollution, to allow the construction and connection of sewers to serve a proposed 24-unit apartment complex (Fairfield Lamplight Manor) tributary to Fairfield's sanitary sewer system. Fairfield is presently on Restricted Status due to overloading (organic and hydraulic) of its sewage treatment plant.

The Fairfield sewage treatment plant (STP) has a design capacity of approximately .6 mgd, (R. 44). The plant is currently receiving dry weather flows of approximately .75 mgd, to which the Petitioners propose to add an additional load of 7,200 gpd. It is estimated that the population of the apartment complex will be 72 individuals.

The Agency originally recommended that the requested Variance be denied, based on allegations that Fairfield had not proceeded expeditiously in its attempts to obtain grant funding for STP upgrading, and that the existing STP was being improperly operated. The Agency also alleged that Fairfield did not employ a required certified STP operator, and that necessary reports were not being submitted.

Testimony presented by the Petitioner indicated that Fairfield has now employed a certified STP operator, (R. 51-60), and that the necessary reports will be submitted as soon as the necessary laboratory equipment (already ordered) has been received.

Fairfield has continued with its attempts to obtain grant funding and is now at the point of submitting a facilities plan to the Agency, (R. 34). An infiltration inflow analysis has already been submitted, and a sewer system evaluation survey is being conducted, (id.).

The Agency's Recommendation indicated that if Fairfield were to proceed expeditiously, and significant changes were not made to the City's plans, it would be possible for the Fairfield STP to be upgraded within 18 months to two years, (Rec., ¶9). Fairfield has estimated that construction will be completed and the STP will be operational in "early 1979," (R. 44).

Petitioner's consultant testified that Petitioner proceeded in good faith in its attempt to comply with all requirements, state and local, concerning the proposed apartment complex. Petitioner obtained all necessary zoning changes and local approval for the project by early 1976, and obtained funding from the Farmers' Home Administration 1975-1976 budget. Petitioner did not learn of Fairfield's Restricted Status until July, 1976, (R. 10). Petitioner had by that time made significant financial commitments.

Petitioner presented several witnesses, including the mayor of Fairfield, to testify as to the need for such housing in the Fairfield area, (R. 51, et seq.). Those witnesses testified that there is a significant housing shortage in the area, due in part to the dilapidated condition of existing housing. The witnesses alleged that the additional load upon the Fairfield STP resulting from this complex would be minimized, as many residents will probably relocate from existing housing within the city.

At the conclusion of the March 23, 1977, hearing, the Agency recommended that the requested variance be granted. The Agency's Recommendation was based on the acceptance -- by Fairfield -- of all conditions set forth in the Agency's original Recommendation. The Agency also noted that Fairfield is proceeding to correct existing deficiencies at the present STP, and that the City's timetable for construction of the new facility does not appear unreasonable.

Weighing the potential hardship to Petitioner, along with the unchallenged allegations concerning the need for additional housing in the Fairfield area, against a maximum potential increase in STP loading of less than one percent, for a period of two years or less, we feel that a Variance is warranted in this situation. Inasmuch as the City of Fairfield (as a party Petitioner) has agreed to all conditions suggested by the Agency, we shall incorporate those conditions in our Order. We shall also require submission of a standard certification form.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Petitioner Trust #182, Crawford County State Bank, Robinson, Illinois, and Petitioner City of Fairfield, Illinois, be granted Variance from Rule 962 of Chapter 3: Water Pollution, to allow the construction and connection of sewer extensions and related facilities to serve a 24-unit apartment complex known as the Fairfield Lamplight Manor, such Variance being conditioned upon compliance with the following:

- A. Petitioner City of Fairfield shall improve operation and maintenance at its existing sewage treatment plant to provide optimum operating efficiency with existing treatment facilities;
- B. Bypassing of the existing sewage treatment plant shall be minimized;
- C. A properly certified operator shall be retained; all required monitoring reports shall be filed with Respondent Environmental Protection Agency;
- D. Chlorination facilities shall be installed at the existing sewage treatment plant, or a Variance from such requirement shall be obtained in a timely fashion.;
- E. Petitioner City of Fairfield shall diligently perform all actions required for construction grant funding to upgrade existing sewage treatment facilities; and,
- F. Petitioners shall each, within thirty (30) days of the date of this Order, execute and forward to the Environmental Protection Agency, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance in the following form:

CERTIFICATE OF ACCEPTANCE

I, (We), _____ having read the Order of the Illinois Pollution Control Board in case No. PCB 76-324, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

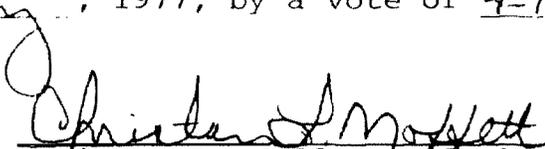
SIGNED

TITLE

DATE

Mr. James Young dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26th day of May, 1977, by a vote of 4-1.



Christan L. Moffett, Clerk
Illinois Pollution Control Board