ILLINOIS POLLUTION CONTROL BOARD January 17, 1972

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ENVIRONMENTAL PROTECTION AGENCY)	

Opinion and Order of the Board (by Mr. Currie):

York Center operates a sewage treatment plant serving seventy-three single-family residences in DuPage County. It is alleged that secondary treatment is now provided; that additional treatment is required by regulations; that \$39,000 would be required to provide it; that eventually York's small plant is likely to be replaced by sewers carrying the wastes to a large central plant for treatment; and that in light of the allegedly small effects of the discharge on the receiving stream, it would be a waste of money to build improvements now because of the likelihood of replacement. The petition asks a variance for one year, "with the further request that the same be extended from year to year, provided the periodic progress reports indicate that satisfactory progress is being made."

The nub of the difficulty we have with this petition is the open-ended nature of the request. "Progress" is promised, but there is no suggestion as to what the petitioner is to do to achieve progress, or what progress means in this context. The essence of a variance in cases of this nature, as we have said many times, is a program for achieving compliance. If the petitioner had come to us with a concrete program for phasing out the small plant in the context of a regionalization program, we should have been greatly interested in exploring the costs and benefits of allowing a brief period of noncompliance in the interim. But there is no such program here, only a vague hope that some day soon somebody--apparently not this petitioner--will bring about some regional program whose outlines either in substance or in time are not even suggested. We cannot grant a variance without a control program, for to do so is simply to give a permanent license to pollute. There are inadequate allegations to support any such license in this case; if the question were a permanent exemption from the treatment requirements we could not say \$39,000 was too high a price to pay for clean water. Even if all the

allegations of the petition were proved, therefore, we could not grant the variance, and the petition must therefore be dismissed. PCB Regs, Ch. 1 (Procedural Rules), Rule 405(b)(1); Chicago-Dubuque Foundry Corp. v. EPA, #71-130 (June 28, 1971).

Our sympathy for the problems of regionalization in DuPage County is indicated by our recently adopted regulation #R70-17 (January 6, 1972), which provide for hearings on regionalization in each of nine areas of the County. We suggest that York Center participate in those hearings and do what it can to promote a prompt regional solution to its treatment problem, on the basis of which it may be in a position to request a variance. If an adequate regionalization plan is promptly adopted, and if that plan promises reasonably prompt solution of York's treatment problems, we may look with more favor on a request for relief during a brief interim. We cannot consider a variance, however, without assurance that something will be done.

People have been talking hopefully of regionalization in DuPage for many years. We will not allow mere hopes to become an excuse for continued pollution.

The petition is dismissed.

Christen Mostotl