

ILLINOIS POLLUTION CONTROL BOARD

January 24, 1974

JOSEPH ARIANO)
)
 v.) PCB 73-380
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

This is a petition for variance from the Order of this Board set down in League of Women Voters of Illinois v. North Shore Sanitary District #70-7, #70-12, #70-13, #70-14; 1 PCB 369 (March 31, 1971) (hereinafter called League). In that case, we banned new sewer connections to facilities of the North Shore Sanitary District "until [the] District can demonstrate to the Board that it can adequately treat the waste from . . . new sources so as not to violate the Environmental Protection Act . . ." League at 396.

Petitioner is a general contractor in the City of Highland Park, engaged in the business of buying single family residential lots and building homes on them. Petitioner is 68 years old and builds two or three homes a year for immediate resale. Petitioner purchased the lot in question in 1970 and has attempted, unsuccessfully, to obtain a building permit from the Building Department of the City of Highland Park in 1971 (Exhibit A) and a sewer connection permit from the North Shore Sanitary District in 1972 (Exhibit C). Petitioner desires to build a single-family dwelling on this lot and wants to connect into the existing public sanitary sewer on Pleasant Avenue. The Pleasant Avenue sanitary sewer flows into the treatment plant at Carey Avenue. At the present time, the lot is still vacant. Petitioner contends that he has \$9,000.00 invested in this lot.

On November 14, 1973, the Illinois Pollution Control Board (hereinafter Board) received from the Environmental Protection Agency (hereinafter Agency) a Recommendation that this petition for variance be denied, and that "Petitioner should wait (to build) till the Clavey Road plant can adequately handle the wastes diverted from the Carey Avenue plant."

On November 1, 1973, the Environmental Protection Agency filed a status report with this Board concerning various treatment plants of the North Shore Sanitary District. This report indicates that:

1. Dry weather flows from Carey Avenue will be diverted to Clavey Road during November, 1973. Total flows from Carey Avenue are to be pumped to Clavey Road by July 1, 1974. Complete secondary treatment (18 MGD) is expected to be implemented at Clavey Road by March 1, 1974.

2. During the last three months of operation for which data are available, Clavey Road has functioned within prescribed specifications of no more than 20 mg/l BOD₅ and 25 mg/l total suspended solids, as listed below:

<u>Clavey Road</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>
September, 1973	6.72	7	18
August	6.33	11	13
July	6.34	19	23
June	7.64	23	20
May	8.19	30	31
April	10.31	28	22
March	9.21	35	21
February	6.87	33	20
January	7.56	18	17
December, 1972	7.30	21	12
November	7.63	35	13
October	7.89	30	16
Average	7.67	24	19

As a result of a Stipulation in North Shore Sanitary District v. Environmental Protection Agency, PCB 73-134, the Board granted authority to the North Shore Sanitary District on January 10, 1974, to issue 2,000 permits (8,000 P.E.) to connect to sewers tributary to the Clavey Road Plant under several conditions, including that "No such permit shall authorize a connection to the system of the North Shore Sanitary District until July 1, 1974."

In the light of information presented by the Petitioner, the increasing capacity and improving performance of the Clavey Road Plant, and the January 10, 1974, Order in NSSD v. EPA, PCB 73-134, the Board will grant Petitioner's request for a variance so that he can construct a home on the subject lot by July 1, 1974, and have it ready for a sewer connection on or after that date.

This Opinion constitutes the findings of facts and conclusions of law of the Board.

ORDER

The Illinois Pollution Control Board hereby grants Joseph Ariano a variance from Order 7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, -12, -13, and -14, to

allow a sewer connection for his Lot 27, Block 2, First Addition in Ravina Highlands, Highland Park, Illinois, under the following conditions:

1. That the sewer connection to the system of the North Shore Sanitary District shall not be made until on or after July 1, 1974.
2. That the population equivalent in Petitioner's permit shall be subtracted from the total population equivalent authorized in our Order of January 10, 1974, in NSSD v. EPA, PCB 73-134.

I, Christan L. Moffett, Clerk of the Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 24th day of January, 1974, by a vote of 5 to 0.


Christan L. Moffett, Clerk