

ILLINOIS POLLUTION CONTROL BOARD

July 25, 1974

VILLAGE OF ROUND LAKE BEACH, )  
 )  
Petitioner, )  
 )  
vs. ) PCB 74-189  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

On May 23, 1974, the Village of Round Lake Beach filed its Petition For Variance. Petitioner seeks relief from an Agency imposed limitation on further sanitary sewer extension connections in an area tributary to the sewage treatment plant owned and operated by the Round Lake Sanitary District (District). This ban was imposed pursuant to Rule 921(a) of Chapter 3: Water Pollution Regulations of Illinois. Petitioner seeks such relief in order to accomplish the following:

- a) the construction of a sanitary sewer system to serve a tract of land known as the Edwards Subdivision;
- b) the connection of said sanitary sewer system to the District's sewage treatment plant; and
- c) the connection of 43 existing residences to the said sanitary sewer system.

The District's sewage treatment plant discharges to Squaw Creek, which provides a dilution ratio of less than one-to-one. Agency investigation has revealed that the District is presently producing an effluent with BOD and suspended solids concentrations of less than 20 and 25 mg/l as currently required by Rule 404 of Chapter 3. The Agency believes that the plant will be unable to meet the 4 and 5 mg/l requirements of Rule 404(f) on December 31, 1974, as required by Rule 409. The Agency notes that the plant is presently operating in apparent compliance with the requirements of Rule 405 of Chapter 3.

Even though there is an absence of apparent effluent violations, the plant is subject to extreme hydraulic overloading. The design average flow of the plant is calculated to be 1.6 mgd. The plant consistently receives flows in excess of design average. Bypassing to the plant's three-cell lagoon system occurs on a regular basis. There is no direct bypass to Squaw Creek. The precise amount of flow cannot presently be determined by the District or the Agency because of inadequate metering facilities for raw sewage intake.

On April 4, 1974, the Agency denied a permit application for the construction and operation of the subject sanitary sewer system due to overloaded conditions. There appears to be no dispute that the system is overloaded and that the Agency acted properly in denying the permit. Petitioner alleges instead, that Agency observance of the requirements of Rule 921 imposes an arbitrary or unreasonable hardship.

The alleged hardships relate primarily to the health hazard created by septic systems serving the subject 43 residences. On occasion, raw sewage has been observed on the lots and flowing in the streets adjacent to the homes in Edwards Subdivision. It is alleged that this raw sewage also flows into Round Lake. The Lake County Health Department has substantiated these allegations. The Department has investigated the situation and concluded that the subsurface septic systems in the Edwards Subdivision are inadequate. In addition, Department investigation has revealed the following:

- a) The area of Round Lake proximate to Edwards Subdivision consistently shows higher bacterial counts than other sampling points in the lake;
- b) The area adjacent to Edwards Subdivision is unsatisfactory for recreational bathing;
- c) The degraded conditions of Round Lake are due to the septic tanks in Edwards Subdivision;
- d) The subject septic tanks are old and located on small lots with unsatisfactory soil conditions.

The Department investigation of the area indicated that 18 out of 34 homes surveyed showed evidence of septic system malfunction. The Department has concluded that the present conditions in Edwards Subdivision result in pollution of Round Lake and also constitute "a public health hazard." The Department supports the concept of providing sewer service to Edwards Subdivision regardless of treatment plant overload. (See letter from Lake County Health Department to Mr. David J. Friedman, dated May 31, 1974.)

Therefore, the Board's decision involves possible increases of pollution due to overload on one hand versus the elimination of a documented health hazard due to inadequate septic systems which cannot be reasonably repaired on the other. While we are reluctant to allow additional connections to overloaded treatment plants, we are satisfied that the serious danger to health must be abated. The variance will be granted, but only to the extent necessary to protect the public health.

Finally, the Agency has been informed that the Petitioner has contracted for the installation of water mains to serve Edwards Subdivision. Substantial expenses can be eliminated if the requested variance is granted to allow the simultaneous construction of both water and sewage service.

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

IT IS THE ORDER of the Pollution Control Board that the Village of Round Lake Beach be granted a variance to allow the construction and connection of a sanitary sewer system to serve the existing homes of the Edwards Subdivision, subject to the following conditions:

1. Connections to the proposed sanitary sewer system will be limited to those residences served by inadequate septic systems in which improved maintenance or reasonable repairs cannot eliminate potential health hazards as determined by the Agency.
2. The Petitioner will prohibit future developments which would utilize septic systems where soil conditions and other factors are inadequate to support such use.
3. Petitioner will obtain all necessary permits from the Agency.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on this 25<sup>th</sup> day of July, 1974 by a vote of 5-0.

Christan L. Moffett