

ILLINOIS POLLUTION CONTROL BOARD

October 25, 1973

IN THE MATTER OF:)
)
THE PETITION FOR VARIANCE OF:) PCB 73-333
)
MICHAEL MIMCHILLO)

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

The Petitioner, Michael Mimchillo, filed a petition for variance which was received by the Illinois Pollution Control Board on August 9, 1973. The Petitioner requests a variance from Order 7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13, and 14, to obtain a sewer connection for a proposed single-family dwelling to be built in Gurnee, Illinois.

The Petitioner, his wife, and 2 children now live in a two-bedroom house which they own. The wife is pregnant and, according to an attached letter of August 2, 1973, from her doctor, the expected date of the birth of the third child is January 24, 1974. Petitioner needs a house with an additional bedroom for the new baby. The Petitioner alleges that when he bought his lot on which to build a new house in Gurnee, Illinois, he was unaware of the sewer ban. He further states that he has blueprints and a contractor but work is stopped because of his inability to obtain a sewer permit after a total investment of \$9,000.00.

On September 20, 1973, the Illinois Pollution Control Board received from the Environmental Protection Agency a recommendation concerning the variance request from Michael Mimchillo.

The proposed sewer connection would be tributary to the Clavey Road sewage treatment plant, which is owned and operated by the North Shore Sanitary District.

Order 7 of PCB 70-7, 12, 13, and 14, of March 31, 1971, stated that: "The District shall not permit any additions to present sewer connections, or new sewer connections, to its facilities until the district can demonstrate that it can adequately treat the wastes from those new sources so as not to violate the Environmental Protection Act, or the Rules and Regulations promulgated thereunder."

After improvements at the Clavey Road plant, the District

was permitted to add 1,677 living units (North Shore Sanitary District v. Environmental Protection Agency, PCB 71-343, March 2, 1972) to the sewers tributary to the Clavey Road plant for a period of one year after January 31, 1972 (PCB 71-343, January 31, 1972) on the condition that: "The District shall maintain a monthly average effluent of 20 mg/l BOD₅ and 25 mg/l suspended solids at the Clavey Road plant."

In the Environmental Protection Agency report on the Mimchillo case, a summary of the Clavey monthly operational reports from August, 1972, through July, 1973, shows that the Clavey Road plant has failed to consistently maintain an effluent quality of 20 mg/l BOD₅ (this standard was met in only two of twelve months reported), which was specified in the previous paragraph (PCB 71-343, January 31, 1972). Suspended solids were above 25 mg/l during one of twelve months included in the Agency report.

Improvements to the Clavey Road plant were expected to be completed by mid-September, 1973. When this is completed, however, sewage from three lakefront plants (Lake Forest, Lake Bluff, and Carey Avenue) will be diverted to the Clavey plant. When the lakefront plant flows are combined with present flows, the total flow at the improved Clavey plant will be increased, but not unduly in relation to the present 10 MGD capacity and the anticipated further increased capacity to 18 MGD by March 1, 1974, as is indicated below.

On October 24, 1973, Mr. John T. Bernbom, Attorney in the Enforcement Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, sent to the Illinois Pollution Control Board more up-to-date information concerning the operation of each of the North Shore Sanitary District plants. This report included the following information:

Clavey Road plant

Ten million gallons per day capacity is presently possible. Full secondary treatment (18 MGD) expected by March 1, 1974. Advanced treatment by September 1, 1975.

<u>Month</u>	<u>Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>TSS (mg/l)</u>
August 1973	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
September	<u>10.41</u>	<u>41</u>	<u>14</u>
Average	7.97	27	19

Lake Bluff plant

Dry weather flows currently being pumped to Clavey Road plant. Total flows to be diverted to Clavey Road plant no sooner than August 1, 1975. Average monthly flow = 0.35 MGD, January through August, 1973. Average monthly BOD = 116 mg/l, June through August, 1973. Average monthly TSS = 110 mg/l, June through August, 1973.

Carey Avenue plant

Dry weather flows will be pumped to Clavey Road plant in November, 1973. Total flows to be pumped to Clavey Road plant by July 1, 1974. Average monthly flow = 1.29 MGD, January through August, 1973. Average monthly BOD = 74 mg/l, June through August, 1973. Average monthly TSS = 160 mg/l, June through August, 1973.

Lake Forest plant

Dry weather flows will be pumped to Clavey Road plant in November, 1973. Total flows to be pumped to Clavey Road plant by May 1, 1975. Average monthly flow = 1.17 MGD, January through August, 1973. Average monthly BOD = 60 mg/l, June through August, 1973. Average monthly TSS = 90 mg/l, June through August, 1973.


The above information for the Clavey Road plant indicates that (a) its performance has improved during recent months, (b) it can efficiently handle a flow of 10 MGD now, and (c) it can handle up to 18 MGD by March 1, 1974.

On the basis of these facts, and the information given by the Petitioner, it is the judgment of the Board that a variance can be granted in the instant case to obtain a sewer connection so that the Petitioner can proceed with construction. It appears that this can be done without harming the environment, especially since a further increase in sewage handling capacity will be available at the Clavey Road plant at about the time the Petitioner's home may be completed.

ORDER

It is the Order of the Pollution Control Board that the petition for a Variance be and is hereby granted.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 25th day of October, 1973, by a vote of 5 to 0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board

