

ILLINOIS POLLUTION CONTROL BOARD
March 6, 1980

CITY OF MONMOUTH,)
)
) Petitioner,)
)
) v.) PCB 79-261
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

On December 10, 1979 Petitioner requested a variance from Rule 962(a) of Chapter 3: Water Pollution to provide for the construction of a sewer extension to homes presently connected to septic systems. The Agency has recommended that a variance be granted subject to conditions. No hearing was held.

Petitioner is seeking to construct a pressure sewer system to five existing houses in the City. These five houses are presently served by septic tanks. However, because these houses are in a low-lying area they are subject to the transportation of wastes from the septic field to the land surface by groundwater. This drainage is entering Petitioner's storm sewer system.

Petitioner's sewage treatment plant is on Restricted Status because its capacity is being exceeded. Raw sewage is bypassed to Markham Creek during wet weather. Petitioner has completed a storm sewer which has brought some relief to its sewage disposal plant in the elimination of bypass water. Petitioner is also proceeding with Step II of its Municipal Wastewater Treatment Works Construction Grant and estimates upgrading to be completed by October, 1981.

The Agency supports the variance from Rule 962(a) of Chapter 3 for only the five houses involved, until Petitioner's treatment plant is removed from Restricted Status. Without the variance it is claimed that existing health problems in the area will be compounded. Although the connection of the five houses may increase the amount of raw sewage bypasses to Markham Creek, potential damage to the creek is outweighed by the health hazard posed by the

surfacing of the sewage in yards, streets and into the storm sewer. Furthermore, Petitioner has already undertaken an overall sewer plan of improvement for which it has obtained funding.

The Boards finds that a denial of the variance would constitute an arbitrary and unreasonable hardship and concurs with the reasoning of the Agency in this matter. The Board also finds the recommended conditions imposed on Petitioner during the period of its variance to be reasonable.

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

ORDER

Petitioner is hereby granted a variance from Rule 962(a) of Chapter 3: Water Pollution subject to the following conditions:

- 1) This variance shall only apply to those five houses which are the subject of this petition until such time as Petitioner is removed from Restricted Status.
- 2) Within 45 days of the date of this Order, Petitioner shall execute a Certification of acceptance and agreement to be bound by all the terms and conditions of this variance. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance if this matter is appealed. The form of the Certification shall read as follows:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in 79-261, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

Mrs. Anderson abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6th day of March, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board