

ILLINOIS POLLUTION CONTROL BOARD  
April 27, 1978

SCHOOL DISTRICT #189 )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 78-11  
 )  
 ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

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

Petitioner is requesting relief from Sections 12 and 39 of the Act and Rule 962 of Chapter 3: Water Pollution of the Board's Rules and Regulations. The Agency has recommended that a Variance from Rule 962 be granted. No hearing was held.

Petitioner operates the Grahmann School in the City of East St. Louis in St. Clair County. The school is presently discharging domestic sewage into a septic system which has been overflowing. This has caused raw sewage to flow across the school yard which, Petitioner feels, constitutes a health hazard. The Agency denied Petitioner's request for a permit to construct a sanitary sewer extension which would have alleviated the problem. The denial was based on the fact that the proposed extension would be tributary to the Cahokia Sewage Treatment Plant whose sewers have been placed on the restricted status list.

Petitioner is proposing to discharge 6,050 gallons per day from the present school facility and 5,185 gallons per day from a new Special Education Building for the trainable mentally handicapped. The problem in this case lies not with the Cahokia Plant, but, with the sewers which are tributary to it. The Cahokia Plant has adequate design capacity to accept Petitioner's wastestream. Although the effluent from this plant does not yet comply with Federal or Board standards, it will be phased out of operation when a proposed Regional Plant is constructed in nearby Sauget. Completion of the proposed plant is at least three years away.

The sewer system which would connect Petitioner with the Cahokia Plant has been described as "severely distressed" or "collapsed" by the Agency. Petitioner pointed out that there may be an overflow in Cahokia allowing sewage to bypass into a drainage ditch. There is no mention of any basement flooding in the area. The Agency estimates that at least two years time will be needed to rehabilitate the faulty sewers.

Although no health hazard has been established, the potential certainly exists. It would be more desirable to divert the sewage from the schoolyard to a malfunctioning system. Denial of this Variance would constitute an arbitrary and unreasonable hardship for Petitioner.

The Board agrees with the Agency's conclusion that no Variance from Section 39 of the Act is necessary in this case. With this Variance from Rule 962, Petitioner will be able to obtain the necessary permits. For the same reason, no Variance from Section 12 of the Act is warranted here.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be denied a Variance from Sections 12 and 39 of the Act and granted a Variance from Rule 962 of Chapter 3: Water Pollution of the Board's Rules and Regulations subject to the following conditions:

- 1) Petitioner shall obtain all the necessary Agency permits before construction or operation of its proposed sanitary sewer extension.
- 2) Within 45 days after the date of this Board Order herein, District 189 shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound by all terms and conditions of this variance. This 45 day period shall be held in abeyance for any period during which this matter is appealed. The form of the Certification shall be as follows:

CERTIFICATION

I(We), \_\_\_\_\_ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-11 hereby accept that Order and agree to be bound by all of its terms and conditions.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 27<sup>th</sup> day of April, 1978 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board