ILLINOIS POLLUTION CONTROL BOARD November 10, 1976

| CITY OF STREATO | R and YM-YWCA, |) | | |
|-----------------|-------------------|-------------|-----|--------|
| | Petitioners, |) | | |
| | V. |) | РСВ | 76-219 |
| ENVIRONMENTAL P | ROTECTION AGENCY, |))) | | |
| Respondent. | |) | | |

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

On August 31, 1976 the City of Streator and the YM-YWCA of Streator filed a request for variance from Rule 602(d)(3) of Chapter 3 of the Illinois Pollution Control Board Rules and Regulations to allow them to extend a sewer to the new YM-YWCA complex in Streator. The Agency recommendation herein was received October 12, 1976, and no hearing was held in this matter. A letter was received from a citizen complaining that Streator does not enforce its ordinance preventing storm water from being drained by its sanitary sewers, but the complainant specifically stated that he had no objection to the YM-YWCA connecting its sewage to the City of Streator.

The Agency construes the Petition as being an overall city-wide variance for the City of Streator from Rule 602(d)(3) coupled with a specific request for a variance for the YM-YWCA complex. Presuming that Streator did indeed request a general variance for the City, the Board finds that the request for variance is moot due to the promulgation on September 30, 1976 of an amendment to Rule 602(d)(3) of the Water Pollution Regulations by the Board in R75-15. In the case

of the YM-YWCA, the Agency recommends that variance from Rule 962 of Chapter 3 as it relates to Rule 602(c) and 602(d)(3) be granted provided the YM-YWCA apply for and obtain a construction permit. The Board finds no variance is necessary since the reasoning applied to the case of the City applies to the YM-YWCA as well. However, this finding does not, of course, release the YM-YWCA from the permit requirements.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1. The Variance Petition of the City of Streator is denied as moot.
- 2. The variance Petition by the YM-YWCA of the City of Streator is denied as moot.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the day of day of 1976 by a vote of .

Christan L. Moffett,

Illinois Pollution (Antrol Board