

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1977

SCHOOL DISTRICT #102 )  
 )  
 ) Petitioner, )  
 ) )  
 ) )  
 ) v. ) PCB 76-307  
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 ) )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 ) )  
 ) Respondent. )

OPINION OF THE BOARD (by Mr. Dumelle):

On January 6, 1977 the Board granted Petitioner a variance from Water Pollution Regulation 962 permitting the connection of the proposed middle school onto the Marquette Heights sewer system. The Board's Opinion, in this matter, which was not issued at the time of the January 6, 1977 Order, appears below.

This matter came before the Board on a Petition for Variance filed on November 30, 1976 by School District No. 102, Tazewell County. The Agency filed its Recommendation on December 30, 1976, recommending the granting of this variance to allow the connection of the proposed middle school onto the Marquette Heights sewer system. The Recommendation included inspection and sampling data regarding the Marquette Heights plant (Plant), which had previously caused the Agency to deny Petitioner's application for an Agency construction permit due to the violations occurring at that Plant.

Construction of the new school, with a maximum enrollment of 600 students, is necessary, at least in part, because the existing Georgetown Junior High School has been found to be inadequate and unsuitable for public school purposes. Inasmuch as the existing school will be abandoned upon completion of the new middle school, and both schools would be connected onto the same Plant, the new school would account for the addition of an estimated population equivalent of 57 to the Plant's loading. The Agency places the increased loading at 46 P.E. The actual increase in pollution caused by construction of the new school will be negligible. For this reason, coupled with the extreme social value and necessity for the new middle school, the Board finds that a denial of the requested variance would place an arbitrary or unreasonable hardship upon Petitioner.

The Agency's recommendation points out that the Marquette Heights sewage treatment plant has not maintained or operated (except for one day) the secondary portion of the plant. The reason for this is not given and the Board, by this decision, does not any way condone this failure to operate the entire sewage plant by the City of Marquette Heights.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 3<sup>RD</sup> day of February, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board