

ILLINOIS POLLUTION CONTROL BOARD  
April 4, 1975

SANDWICH COMMUNITY UNIT SCHOOLS     )  
District No. 430,                     )  
  )  
    Petitioner,                        )  
  )  
          v.                             )           PCB 74-428  
  )  
ENVIRONMENTAL PROTECTION AGENCY,   )  
  )  
    Respondent.                        )

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin)

This action was brought by Petitioner Sandwich Community Unit Schools District No. 430 (District) on November 18, 1974 for a variance from a sewer ban imposed by the Illinois Environmental Protection Agency (Agency), on December 4, 1972, to allow the opening of a vocational school in Sandwich, Illinois.

On November 22, 1974, the Pollution Control Board (Board) ordered the District to clarify the cause of the ban, and explain whether it was due to an inadequate sewer system or overloading of the treatment plant. The District filed an amended petition on January 16, 1975, stating its belief that the sewer ban was based both on a "restriction of the transport system and an overloaded sewage treatment plant" (Am. Pet. 1).\*

Studies of the sewer system have started but have not been completed. Plans for plant expansion and improvement have been approved by the Agency but lack of funding has delayed the award of contracts and start of construction.

The City of Sandwich's sewage treatment plant was designed for a population equivalent of 5,000. The designed hydraulic capacity is 0.5 MGD (Rec. 9). Monthly reports (Rec. 9) indicate severe overloading, both hydraulically and biologically. For 1974, the averages for flow, BOD, and S.S. were .712 mgd, 25 mg/l BOD and 27 mg/l SS. The maxima during the year were respectively 1.492, 29 and 29. Agency grab samples during 1974 showed even higher values of 60 mg/l BOD and 66 mg/l of SS. Ammonia had a maximum of 13 mg/l.

\* "Pet.": Petition (Filed November 18, 1974)  
"Am. Pet.": Amended Petition (January 16, 1975)  
"Rec.": Agency Recommendation (February 24, 1975)

The Indian Valley Vocational Center (Center), utilized by 12 participating school districts is scheduled to open to students on August 28, 1975. As of February 21, 1975, contractual documents had not been signed and construction had not begun for the sewage treatment plant improvement; the Agency estimates that the plant improvement will not be accomplished till about September 1976.

There will therefore be an additional deterioration of the Sandwich plant effluent after the new Center is connected to the Sandwich sewer system. This condition will last for about a year, since construction work on the plant improvement is not likely to start before April, 1975. A 16 month construction period is assumed by the Agency (Rec. 14, 15).

The District's claim of unreasonable hardship is based on a \$2,000,000 investment which would have to remain idle. Alternatively, the District could spend an additional \$25,000 "for a septic system or other private sewage disposal facility which would be abandoned" after only a year's use (Pet. 3). The Center is important to the educational needs of the area, and failure to obtain a variance would thus cause a community hardship. See, School Building Community v. EPA, PCB 71-247, 2 PCB 681 (1971); Lake County School District #64 v. EPA, PCB 71-313, 3 PCB 313 (1971).

The estimated increase of loading is 5665 gpd and 5.3 PE of BOD. Although the increase that would result if the District is permitted to connect the Center to the sewage plant is negligible (less than .8 of one percent), any increase in flow on an overloaded plant causes some deterioration in the final effluent. While the possibility of by-passing exists, the records show that this so seldom occurs that there is practically no danger of increasing the need to by-pass as a result of the additional hydraulic loading. The additional organic loading will also have a minimal effect on the effluent quality.


While the District was aware of the inadequacy of the sewage treatment facilities in 1972 at the start of its project, the District did believe, (apparently on the basis of information offered by the City of Sandwich), that there would be only a few months between the completion of the project and the availability of adequate sewage treatment. Ordinarily this would mitigate against granting the variance. However, in providing a sewer connection in this instance, we concur with the Agency that the resultant benefit to the public outweighs the negligible impact on the environment. We will therefore concur with the Agency's recommendation, and grant the requested Variance.

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 a variance from the sewer ban imposed on the Sandwich City sewer system is granted to the Sandwich Community Unit Schools District No. 430.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order were adopted on the 4<sup>th</sup> day of May, 1975 by a vote of 3 to 0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board