## ILLINOIS POLLUTION CONTROL BOARD

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## January 3, 1974

IMMANUEL LUTHERAN CHURCH

v.

PCB 73-432

ENVIRONMENTAL PROTECTION AGENCY

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

On October 12, 1973 petition for variance was filed from Orders #6(c) and #6(d) of North Shore Sanitary District v. EPA, PCB 71-343 (January 31, 1972) asking to obtain a sewer connection for a new school building at Frolic and Glen Flora Avenues in Waukegan. No public hearing was held.

The petitioner states that the property was acquired in 1967 and 1968 for the specific purpose of building a church school. Construction began on November 26, 1972 some 20 months after the Board's initial sewer ban order to the North Shore Sanitary District (March 31, 1971). A septic tank and field were planned. Lake County Health Department, in a letter dated October 2, 1973, tells of cancelling the approved septic tank application on September 10, 1973 and states

It appears a road for heavy equipment was built from east to west over seepage field area with the wrong type of fill. The possibility of reconstructing this involved seepage field as it was approved seems remote, and a better location or soil does not appear to be available at this location.

The school building is said to be "95% complete" as of the date of the petition and was expected to be completed "within 30 days" (by November 12, 1973 approximately). The old school, on Chapel Street is used by 51 students and 3 teachers. In addition it is used 20 evenings a month for church group activities. The petitioner alleges no hardship to the public and wishes to utilize its new school as soon as possible.

The Environmental Protection Agency filed its recommendation on November 27, 1973 and asked for denial unless it could be shown that holding tanks could not be used. The Agency points out that the flow from the new school is into the Judge Avenue sewer which "is hydraulically overloaded and inadequate to transport additional waste loads." The sewer causes raw sewage to bypass to Yeoman Creek and backups of raw sewage into basements. Further the Agency knows of no definite plans by the City of Waukegan to correct the inadequate capacity problem of the Judge Avenue sewer.

The Agency puts the daily flow from the daytime use of the school at 765 gallons compared to the petitioner's figure of 400 gallons. It points out that the old school at Glen Rock and Chapel Avenues connects to a sewer which is not hydraulically overloaded. Thus the same problem is not being transferred to a different location but in fact the problem is being aggravated.

We grant the variance but prohibit the use of the new school for evening church meetings. The old school building perhaps can still be used for evening meetings. The petitioner and the Agency should investigate, perhaps jointly, the feasibility of installing holding tanks with pumpout facilities to the sewer, to be used during rainfall periods. The problem of basement backups brings with it viral dangers from hepatitis, polio and all the pathogens present in human sewage including typhoid, dysentery and cholera. Electrocution hazards are also present when basements flood. Since these problems arise when its rains, it makes it difficult to schedule evening church activities against unpredictable rainfall events.

The situation of the church is that through its negligence the septic tank field was made unsable. Thus the problem is of its own doing. We urge the church members to do all they can to have the City of Waukegan provide adequate transport capacity for the Judge Avenue sewer as soon as possible. After that has been done, the prohibition on use of the new school for evening activities can be lifted, or the holding tank alternative may be a satisfactory one.

## ORDER

- 1. Variance is granted to Immanuel Lutheran CHurch to connect its new school building at Frolic and Glen Flora Avenues to the sanitary sewer.
- 2. The school building's toilet facilities shall be used only in connection with the operation of the school. No evening church activities shall be held in the new school building.

3. Evening church activities may be scheduled in the school building after the Environmental Protection Agency has certified that the Judge Avenue sewer has adequate transport capacity.

IT IS SO ORDERED.

Mr. Henss was not present.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the  $3^{eo}$  day of January, 1974 by a vote of 4-0.

Christan L.

Illinois Pollution Control Board