ILLINOIS POLLUTION CONTROL BOARD
August 29, 1972

GRANT PARK COMMUNITY UNIT SCHOOL DISTRICT NO. 6 OF KANKAKEE COUNTY, ILLINOIS	)	
v.	)	PCB 72-261
ENVIRONMENTAL PROTECTION AGENCY	)	

OPINION OF THE BOARD (by Mr. Dumelle)

This opinion is in support of the order entered herein on August 23, 1972.

This is a petition by the School District for a variance allowing them to discharge sanitary wastes to the storm sewers from their new high school building after some degree of treatment in septic tanks with chlorination. Hearing was held on August 16, 1972.

The new school building has already been completed and is intended to replace the old building which has become inadequate. All of the students, numbering from 175 to 200, will be transferred to the new school beginning with the start of the next semester on August 28, 1972.

The proposed temporary sewage treatment system at the new school consists of three 1000-gallon septic tanks in series together with an automatic chlorination process before discharge into the local storm water system. The cost of the treatment system is $15,000. The material to be treated would be domestic sanitary waste from the normal daily use of a school having a gymnasium but no kitchen or eating facilities. The estimated quantity of liquid waste is about 3000 gallons per day. The waste would not contain any unusual contaminants not capable of being treated as domestic waste. The new system will produce an effluent of higher quality than that which has heretofore been discharged from the old school with its Imhoff tank, although numerical values do not appear in the record.

The treatment facilities at the new school would be used only until the proposed Grant Park central sewage treatment plant and sanitary sewer system are completed. The estimated cost of the City plant is $800,000. with the population being 975. The City plant is still in the design stage with no grant funds awarded yet and therefore will probably not be completed for at least two years.

One of the Village Board Trustees testified that they would like to believe that the new City facility would be in use within the next couple of years. The School District's architect had thought that the City plant would be ready by this time.

It appears from the record although it is somewhat ambiguous that the addition of a sand filter bed to the school's septic tank and chlorination system would bring the school into compliance with existing regulations. Such an addition would cost $10,000 and the School District alleges that the cost would be prohibitive. However, the record does not contain any facts or figures proving that the additional expense of $10,000 would impose an arbitrary or unreasonable hardship upon the District. The fact that the school's treatment system would be abandoned upon completion of the City plant is not by itself sufficient to prove it arbitrary or unreasonable to spend an additional $10,000 now. Assuming that the City plant will not be in operation for at least two years, we have not seen proof in this record that the District cannot afford to spend an additional $5,000 per year for treatment until that time.

We note that the record in this case is inadequate as to certain significant facts which, if present, could result in a different ruling. The record does not state which water quality and/or effluent criteria together with implementation dates apply to the school. The record lacks analytical data concerning the effluent from the old school, the expected effluent from the new school and also from the proposed City plant. No statement of the effects of the proposed discharge on the receiving watercourse is given. The above data would allow us to determine the extent of the violation which, if outweighed by other factors could become the basis for granting a variance.

Furthermore the Agency's recommendation in this case has been presented in an unusual form. At the hearing, the Assistant Attorney General representing the Agency stated that the Agency had informed him that morning that their recommendation would be to grant the variance for one year. Normally the Agency files a written recommendation in variance cases wherein it recommends either to grant or deny and also gives its reasons why. Without the benefit of the Agency's reasoning we can only draw our own inferences and conclusions from the record. Maybe the Agency sees this case in a different light -- we don't know, but there is no way for us to find out based upon the present record.

For these reasons we must deny the variance. However, we will do so without prejudice so that the petitioner may, in the future, present a more complete case upon which the Board may look further into the entire matter.

After the August 23 decision of the Board the Agency filed its recommendation with the Board on August 28. Some of the missing information seems to be in

that recommendation. However, the recommendation was not filed at the time of the August 16 hearing and was thus not in the record of the case placed before us at the time of decision. We have spoken before of the need for the Agency to make timely filings of its recommendations and repeat that need here.

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 24th day of August, 1972 by a vote of 5-0.

Christan L. Moffett, Clerk
Illinois Pollution Control Board