

ILLINOIS POLLUTION CONTROL BOARD

August 5, 1976

MINONK-DANA-RUTLAND COMMUNITY UNIT	)	
DISTRICT 108,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 76-137
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Minonk-Dana-Rutland Community Unit District 108 (District 108) filed its Variance Petition in this matter on May 11, 1976, seeking relief from Rule 962 of Chapter 3: Water Pollution, of the Board's Rules and Regulations, asking as relief permission to extend a Minonk city sewer line approximately 150 feet to serve a single family home. District 108 cannot obtain a construction permit for such an extension from the Environmental Protection Agency (Agency) because the Minonk sewage system has been placed on restricted status. The Agency's Recommendation was received on June 23, 1976. No hearing was held in this matter.

For the last 30 years District 108's vocational building trades classes have constructed a new home every two years. When complete, the house is sold to the highest bidder. The houses built under this program are single family ranch style homes with three bedrooms, living room-kitchen-dining area, family room, one and a half baths, two-car garage and a full basement. The house which is the subject of this Variance matter will not be completed until summer, 1978.

The Agency's Recommendation notes that, "The City of Minonk is plagued with combined sewer problems." Rec., at 5. The Minonk sewer system consists almost entirely of combined sewers; those sanitary sewers which do exist are all tributary to combined sewers. The city has three combined sewer overflow points tributary to its sewage treatment plant, and one area in the southwestern portion of the city where a combined sewer discharges directly to the South Branch of Crow Creek. The sewer extension proposed by District 108 to serve the student-built house will discharge through an 8-inch sanitary sewer into a 12-inch combined sewer tributary to the Minonk sewage treatment plant. An overflow structure is located on this 12-inch combined sewer.

The City of Minonk was awarded a Step I grant on September 23, 1974. However, the facilities plan submitted under that grant was not accepted by the U. S. Environmental Protection Agency. A revised facilities plan under Step I grant funding was submitted to the Agency on May 28, 1976, and it is currently under review. Minonk is currently seeking grant funding to eliminate violations caused by combined sewer overflows.

There are, in addition, violations at the Minonk sewage treatment plant, which discharges into Long Point Creek approximately 15 miles upstream of the Vermillion River. The sewage treatment plant was constructed in 1955 for an average flow of 0.25 mgd, with a maximum hydraulic capacity of 0.50 mgd. Recent reports by Minonk to the Agency show the following performance:

<u>Month</u>	<u>Flow</u>		<u>BOD (mg/l)</u>		<u>SS (mg/l)</u>	
	<u>Avg.</u>	<u>(MGD) Max.</u>	<u>Avg.</u>	<u>Max.</u>	<u>Avg.</u>	<u>Max.</u>
April, 1976	.284	1.244	23.9	33.8	22.9	41.9
March, 1976	.427	1.488	14.75	19.0	14.5	21
February, 1976	.497	1.388	38.0	50.0	37.1	60.0
January, 1976	.177	.322	29.5	---	21.0	22.5
December, 1975	.350	.856	30.0	---	21.0	---

Despite these problems with the Minonk sewer system and sewage treatment plant, we feel that a Variance is warranted in this case. We agree with the Agency's Recommendation that the benefits to be gained by the vocational building trades class outweigh any possible environmental harm which might occur as a result of the construction of a single family dwelling. The Board has often held that hardship to the public may weigh heavily in favor of a Variance grant, particularly where the likelihood of environmental harm is small. Sandwich Community Unit Schools District No. 430 v. EPA, PCB 74-428 (April 4, 1975) (and cases cited); WILCO Area Career Center v. EPA, PCB 75-173 (March 25, 1976); Hawthorne Lodge, Inc. v. EPA, PCB 75-297 (Oct. 16, 1975) (Opinion at 3); County of Macoupin v. EPA, PCB 75-273 (Oct. 9, 1975) (Opinion at 5).

As a condition to the Variance grant, we shall prohibit any additional connections to the proposed 150-foot sewer extension. The sewer extension which we allow here is to be used only for one single family dwelling to be constructed by the vocational building trades class.

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 Petitioner Minonk-Dana-Rutland Community Unit District 108 be granted a Variance from Rule 962(a) of Chapter 3: Water Pollution, to allow the construction of a 150-foot sewer extension to serve one (1) single family dwelling to be constructed by vocational building trades classes, subject to the following conditions:

1. No additional connections shall be allowed to the 150-foot sanitary sewer extension;

2. Petitioner shall, within twenty-eight (28) days of the date of this Order, execute and forward to the Environmental Protection Agency, Control Program Coordinator, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance in the following form:


I, (We), \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in case No. PCB 76-137, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 5th day of August 1976, by a vote of 5-0.

  
\_\_\_\_\_  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board