

ILLINOIS POLLUTION CONTROL BOARD  
August 23, 1973

PARKVIEW ELEMENTARY SCHOOL, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 73-194  
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 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )  
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 ) COMMUNITY UNIT SCHOOL DISTRICT NO. 300, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 73-234  
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 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

This is a Petition for Variance by the Community Unit School District No. 300 (Petitioner). The Petitioner desires to construct on its site a special education building incorporating a child care center and trainable mentally handicapped facility, and the Petitioner desires to connect said building to the sewers tributary to the village treatment plant, owned and operated by the Village of Carpentersville in the County of Kane.

Two Petitions were filed, namely Parkview Elementary School v. Environmental Protection Agency, PCB 73-194, and later Community Unit School District No. 300 v. Environmental Protection Agency, PCB 73-234. By Order of the Board on July 12, 1973, these two matters were consolidated on Motion of the Attorney General, based upon the fact that the evidence with respect to Board variance proceedings would be identical. On the 14th day of July, 1973, this Board ordered that the hearing originally scheduled be cancelled and that the Board take the matter under advisement for decision and order based upon the Petition and Recommendation filed by the Agency.

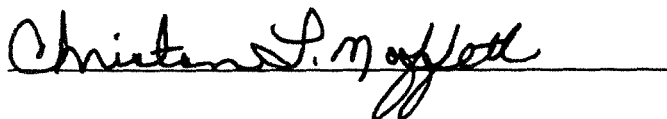
Petitioner, in effect, asserts that the situation it presents is similar to that presented in several other cases where variances have been granted. The Board has granted variances "for institutional uses where the proposed use of sewer facilities would be in substitution of sewer facilities in the homes of members, on the basis that the proposed use would not generate additional sewage to the facilities of the North Shore Sanitary District." See e.g. Tennis Development, Inc. v. Environmental Protection Agency, PCB 72-59 (May 17, 1972); Waukegan Park District v. Environmental Protection Agency, PCB 71-314 and 71-342 (December 21, 1971); New Hope Missionary Baptist Church v. Environmental Protection Agency, PCB 72-417 (November 28, 1972); Foss Park District v. Environmental Protection Agency, PCB 72-442 (January 23, 1973). Although these cases all arose in connection with the North Shore Sanitary District sewer ban, the rationale applied in the above cases should apply to other sewer ban cases as well. Therefore, this institutional-substitution rationale should justify the grant of a variance to serve the 80 students in the instant case.

In the present case, the Agency believes that the wastewater generated by five additional school personnel would not appreciably aggravate present overloading at the Village's treatment facility. Furthermore, the Agency believes that a substantial benefit will be derived both by the community and the students involved if the subject special education building is constructed and can be served by the Village's plant. We agree.

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

IT IS THE ORDER of the Pollution Control Board that the Petition for Variance is granted from the Environmental Protection Agency's sewer connection ban.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 23<sup>rd</sup> day of August 1973, by a vote of 3 to 0.

  
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