

ILLINOIS POLLUTION CONTROL BOARD
November 1, 1973

MERIDIAN COMMUNITY UNIT SCHOOL)
DISTRICT NO. 223)
PETITIONER)
)
)
v.) PCB 73-349
)
)
ENVIRONMENTAL PROTECTION AGENCY)
RESPONDENT)
)
)

MR. DERYLE BEHMER, SECRETARY, BOARD OF EDUCATION, in behalf of
the MERIDIAN COMMUNITY UNIT SCHOOL DISTRICT NO. 223
MR. LEE A. CAMPBELL, ASSISTANT ATTORNEY GENERAL, in behalf of
the ENVIRONMENTAL PROTECTION AGENCY

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

This action involves a variance request by the Meridian Community Unit School District. Relief is sought from a sewer ban imposed by the Agency, pursuant to Rule 921 (a) of Chapter 3.

The Meridian District operates at present four school buildings housing a total of approximately 1500 students. The majority of these students are located in Stillman Valley, while a minor percentage are located in a K-8 school system in Monroe Center. These townships are located in Ogle County, Illinois.

Petitioner alleges that all schools in the district are overpopulated, and that the continuance of this situation could only cause hardship on the students.

In December 1972 the School Board presented a referendum to the voters of the district, requesting a new high school and additions to an elementary building. This referendum failed by a 2-1 vote. In March 1973 questionnaires were sent out to the voters, and while 70% of the answers indicated the desire for a new school, the major objection to the referendum was that it called for a new building on a site which would require independent sewer service. The implication left is that a new referendum would succeed if land were annexed to Stillman Valley and the village sewer plant used to service the new building.

Status of Stillman Valley sewage plant:

The existing village sewage treatment plant contains a trickling filter, an aerated lagoon, and a tertiary polishing pond. The effluent from this pond is discharged to Stillman Creek, which has a 7-day, 10-year low flow of about 0.5 mgd. The effluent, somewhere in excess of the design average flow of 0.045 mgd is unchlorinated, and therefore contains an excess of fecal coliforms. Grab samples obtained by the Agency show the following results:

<u>Date</u>	<u>BOD</u> (mg/l)	<u>SS</u> mg/l	<u>Fecal Coliform</u> (count /100 ml)
Jan. 11 '73	55	26	50,000
Feb. 15 '73	32	22	23,000
Apr. 2 '73	16	23	600
Jun. 11 '73	30	80	4,300
Jul. 26 '73	4	33	3,600

The allowable under Rule 404 (a) are BOD - 30 mg/l, SS - 37 mg/l, F.C. 400/100 ml. (F. C. regulated by Rule 405.)

Although all counts are exceeded in some instances, the major offender, as indicated, is fecal coliforms. The Agency reports that because of the relatively high dilution ratio, no noticeable degradation of Stillman Creek is observed.

On October 5, 1972, the Agency issued a construction permit to the village to allow upgrading of the sewage plant. Construction has not commenced because of the absence of federal funds. The sewer ban is therefore still in effect.

Plans of Unit District:

The District alleges that it has taken certain steps to alleviate the overcrowding; however, these steps are at best temporary and unreasonably high in cost. One action considered by the District would be to add on to the existing high school building in order to utilize existing sewer facilities. This would not be the answer, in that the increase in P.E. added would still not be allowed under the sewer ban. To better understand the present and proposed situation the following table is presented:

(All buildings are alleged to be overloaded. The amount of overload is not given for the K-8 and K-5 buildings, and have been assumed to be 20% [believed conservative].)

PRESENT SITUATION

<u>Location</u>	<u>Grade</u>	<u>Pres. Pop.</u>	<u>Max. Cap.</u>	<u>No. Over</u>	<u>% Over</u>
1. St. Valley	K-5	490	410	80	20%
2. St. Valley	6-8	290	200	90	45%
3. St. Valley	High	435	350	85	33%
4. Monroe	K-8	275	229	46	20%

PROPOSED PLAN

<u>Location</u>	<u>Grade</u>	<u>Prop. Pop.</u>	<u>Max. Cap.</u>	<u>No. Over</u>	<u>% Over</u>
1. St. Valley	K-5	490	410	80	20%
2. St. Valley	6-8	390	550	-160	-
3. St. Valley	Merged with 6-8 Building			-	-
4. St. Valley	New H.S.	435+	-	-	-
5. Monroe	K-5	175	229	-54	-

The above clearly demonstrates the plan of the district, namely to eliminate overloading in the district by:

- A) Combining Buildings 2 and 3 into a 6-8 building and transferring about 100 students from Building 4 to the combined facilities
- B) Building a new high school and transferring all of the students from Building 3 to this new building
- C) Possibly transferring some students from Building 1 to Monroe.

The maximum increase on the Stillman Valley sewage plant will be 100 students; however, it should be less due to the transfer of some students from Stillman Valley to the Monroe School. The Agency believes that the increase of some 25/gal/day student on a maximum of 100 student increase should not seriously affect the present water quality of Stillman Creek.

As mentioned above a new referendum would have to be presented to the voters in order to secure funds for a new building. The Board then is asked to grant a variance before the feasibility of a new high school is tested. This leads the Board to believe that two parallel paths will be followed concurrently:

- A) The attempt to gain funds for, construct, occupy, and use a new high school, and
- B) The attempt to secure funds for, construct, and operate a new addition to the present sewage plant.

Although the Board feels that the variance petition may be premature in that no existing building is available, there is sufficient hardship present to warrant a variance.

It is important to note that this case is different from the now common North Shore sanitary hookup requests which the Board must face in two very important respects:

- 1. The magnitude of flow from Stillman Valley is of much lesser quantity than those of the major districts, and construction once started can be accomplished in a relatively short time.
- 2. Stillman Valley is not in the center of a rapidly growing metropolis, but rather is in a rural area. The grant of this variance would more probably be a single exception, rather than one in a series of requests.

In scope, then, this action is similar to the "Ronald H. and Carolyn Bower vs. Environmental Protection Agency, PCB 73-273" in which the Board granted a variance in a smaller community, which was waiting federal funding for a new sewage facility.

The Agency has brought up two points in its recommendation which will now be discussed.

1) The Agency has received two citizen objections to the variance. Both complainants have the same address and last name, and are assumed to be related. The only complaint of importance is that the new construction could possibly endanger the drinking water supply. No evidence was submitted to support this complaint.

2) The Agency contends that a precondition to the grant should be the installation of interim chlorination facilities at the existing village plant. While the Board feels that such treatment would be beneficial, and is indeed sorely needed, we fail to see how this is Petitioner's responsibility. Petitioner is a school district and as such has no legal right to order the village to install interim chlorination. This would be akin to asking an individual home owner to order the North Shore Sanitary District to build enlarged facilities as a precondition for his variance. The Agency would do better to simply recommend a flat denial than to recommend a condition of this sort. Indeed, irrespective of the outcome of this petition, the Agency should consider instituting discussions with the

Stillman Valley Village Board regarding chlorination of its effluent.

In light of the above the Board will order the variance granted.

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

IT IS THE ORDER of the Pollution Control Board that a variation be granted to the Meridian Community Unit School District No. 223 to hook up a proposed high school to the existing Stillman Valley sewage plant.

IT IS SO ORDERED.

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 1st day of November, 1973, by a vote of 5 to 0.

Christan L. Moffett

