

ILLINOIS POLLUTION CONTROL BOARD
August 12, 1976

BOARD OF EDUCATION, COMMUNITY UNIT)
SCHOOL DISTRICT NO. 300,)
)
Petitioner,)
)
v.) PCB 76-162
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board on a Petition for Variance filed on May 24, 1976 by the Board of Education Community Unit School District No. 300, Kane, Cook, McHenry and DeKalb Counties, Illinois (School District). The School District seeks a variance from the restricted status placed on the Village of Carpentersville's sewage treatment plant in order to connect a proposed addition to the existing Josephine Perry Middle School in Carpentersville, Kane County, Illinois. On July 26, 1976 the Environmental Protection Agency (Agency) filed its Recommendation in this matter. The Agency states:

That the Agency evaluated the situation and determined that the proposed addition would involve internal plumbing only, would not require an additional tap-on to the municipal system, would not require an Agency permit and thus would not require a variance.

The Agency's Recommendation in this matter was filed in the form of a Motion to Dismiss. The Agency, however, cites no provisions in the Act or Board Regulations to support its recommendation of dismissal. In its June 21, 1976 letter to the School District the Agency stated that since the addition would not require an additional tap-on to the Carpentersville sewers, no permit or variance is required.

The School District states that the new addition will add approximately 151 students and 8 instructors to the existing facility. The School District, citing a guideline figure, states that the resulting discharge would not exceed 20 gpd per person. This would total 3,180 gpd. However, the Board is not given enough information to determine whether Rule 951(b)(2) of the Board's Water Pollution Regulations will exempt the School District from the requirement of obtaining an Agency permit. Rule 951(b)(2) exempts modifications of sewers serving single buildings and designed and intended to discharge less than an average of 1,500 gpd. There is no showing that the discharge will, in fact, require a permit. Twenty gpd may be a maximum rather than an average.

It has not been demonstrated that the additional discharge falls outside of the scope of the original Agency permit issued for the existing school facility. For these reasons, the Board finds that the School District has failed to demonstrate that a variance is at all necessary. This cause must therefore be dismissed as moot.

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

ORDER

The instant Petition for Variance of the Board of Education, Community School District No. 300 is hereby dismissed as moot.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of August, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board