

ILLINOIS POLLUTION CONTROL BOARD
July 25, 1972

CENTRAL CHRISTIAN CHURCH)
)
) #72-108
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.)

Petition for variance from an Order of the Environmental Protection Agency designating the sewer to which connection is sought inadequate, was filed by the Central Christian Church, a religious corporation, presently operating in a sixty-seven year-old building in Waukegan, Illinois, and servicing a congregation of seventy-five families, to enable the erection of a new church structure at 1400 Yorkhouse Road, Waukegan, Illinois. (An earlier petition seeking variance from our sewer ban order entered in League of Women Voters v. North Shore Sanitary District, #70-7 had been dismissed as moot on March 28, 1972 in view of our blanket variance entered in North Shore Sanitary District v. Environmental Protection Agency, #71-343, as revised March 2, 1972.)

Subsequent to the preparation of plans and specifications, site preparation and the attaining of financing, a building permit was issued on July 22, 1971. Petitioner represents that because of the likelihood of increasing costs and the necessity of re-designing of plans, construction was undertaken immediately, which precluded the need for modification of the structure and resulting curtailment in growth of the congregation that would ensue from a postponement. It appears that the structure has been virtually completed and will be ready for occupancy, assuming sewer connection is authorized.

Human waste will be discharged from the new structure substantially in the same amount as presently being discharged from the existing church building. The existing church building has been sold on contract to the architect for office use, who presently occupies an office in Waukegan employing seven people.

The petition represents that the present church structure is outmoded and inadequate and unsuitable for use for religious services

in its present condition. It does not offer suitable parking and in its outmoded condition is not conducive to the growth of the congregation. Petitioner's congregation consists of seventy-five families in the Waukegan community, and petitioner represents that denial of a sewer permit will produce an arbitrary and unreasonable hardship on the adults and children who attend the church and church school, and who rely on its existence for the satisfaction of religious needs, as well as financial loss to the congregation resulting from its inability to use the newly constructed facilities.

The Environmental Protection Agency has recommended that the variance be granted subject to the condition that petitioner obtain one of the connection permits previously authorized to the North Shore Sanitary District for the Waukegan sewage treatment plant, pursuant to our order in North Shore Sanitary District v. Environmental Protection Agency, #71-343, (supra.) The recommendation notes that the church building will be limited in use to approximately six hours per week, over a three-day period, and the facilities will be used only by church members while away from their homes. The Agency concludes that the increased waste load resulting from this connection will not be significant.

We believe the hardship on the congregation resulting from a denial of the variance outweighs the detriment resulting to the community from the slight increased load on the North Shore Sanitary District facilities. Cf., Congregation Am Echod v. Environmental Protection Agency, #72-202, Order dated July 18, 1972, Opinion dated July 25, 1972.

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

IT IS THE ORDER of the Pollution Control Board that Central Christian Church be granted a variance to connect its church structure at 1400 Yorkhouse Road, Waukegan, Illinois, to facilities tributary to the North Shore Sanitary District upon condition that the District grant to petitioner a connection permit as authorized in North Shore Sanitary District v. Environmental Protection Agency, #71-343, as revised March 2, 1972, which permit the Board does hereby authorize.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion was adopted on the 25th day of July, 1972 by a vote of 4-0.

