

ILLINOIS POLLUTION CONTROL BOARD
December 21, 1971

LAKE COUNTY SCHOOL DIST. # 64)
)
 v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

71-313, 71-382

WAUKEGAN PARK DISTRICT)
)
 v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

71-314, 71-342

CENTRAL CHRISTIAN CHURCH)
)
 v.)
)
ENVIRONMENTAL PROTECTION AGENCY)

71-321

Opinion and Order of the Board (by Mr. Currie):

These petitions request permission to connect new buildings to sewers tributary to overloaded treatment plants in the North Shore Sanitary District despite our order in # 70-7, League of Women Voters v. NSSD (March 31, 1971).

We believe the school and park district cases are governed by our decision in School Building Commission v. EPA, # 71-247 (Oct. 18, 1971), in which we allowed a new school building to be connected to an overloaded sewer. Our reasoning there was that the same children would attend school in the same area whether or not we granted the variance; to refuse the connection would forbid the use of the new and more adequate building without keeping down pollution. Similarly, two of the petitions before us today concern a school and a park field house, both to serve principally those living in the District. We believe the sewage load will be substantially unaffected by allowing these connections. We add that we do not believe this argument applies in the case of new residential or commercial construction, for the buildings vacated in such cases are available for new occupants.

The third case, # 71-321, concerns a church. We cannot on the basis of the skimpy petition determine in which of the above categories this case falls. We cannot exclude the possibility that the congregation may leave behind an old building to be used by someone else, with a consequent increase in sewage to the treatment plant. We asked some time ago for additional information, which has not been submitted. The 90-day period for decision is nearly up. The petition must therefore be dismissed.

The Petitions in ## 71-313 and 71-314 are hereby granted; those in ## 71-342 and 71-382, supplementary statements in the school and park cases, are dismissed as moot; that in # 71-321 is dismissed as inadequate, without prejudice to the filing of a revised petition.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board this 21st day of December, 1971 by a vote of 4-0.

