## ILLINOIS POLLUTION CONTROL BOARD September 5, 1974

MACEDONIA BAPTIST CHURCH	)		
V.	)	PCB	74-246
ENVIRONMENTAL PROTECTION AGENCY			

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

The Macedonia Baptist Church filed a Petition for Variance on July 1, 1974 which requested relief from an Agency imposed sewer ban. On July 11, 1974 the Board entered a "more information order" requiring Petitioner to file an Amended Petition. On July 9, 1974 the Agency filed a Recommendation to grant the permit and a Recommendation that the filing of an Amended Variance Petition was not necessary. Because the Agency's Recommendation supplied the necessary information in order to evaluate Petitioner's requested variance, the Board has decided to proceed without the requested Amended Variance Petition.

Petitioner seeks relief from an Agency imposed sewer ban in Rockford, Winnebago County, Illinois. Petitioner seeks relief in order to construct 350 feet of trunk line sewer extension in order to provide a sewer connection for a partially constructed church building located at 1720 Morgan Street. The new church is being constructed to replace an older church located on the same site which was destroyed by fire. The Agency states that the congregation's pastor has stated that 95% of the 150 church members live in the immediate neighborhood of the church, and that the church building will be used solely for Sunday services.

The Agency imposed a sewer ban on the Rockford sewers on February 6, 1974 because of hydraulic overloading. In addition, since September 1972, the Rockford Sanitary District has refused to certify permit applications in accordance with Rule 912(a) of the Water Pollution Regulations because of the District's concern that proposed sewer extensions would be tributary to surcharged interceptors.

The Agency recommends that Petitioner's variance request be granted because the church facility would only contribute between 300 and 500 gallons of sanitary waste on Sundays. The Agency states that this amount of waste would not significantly increase the waste load on the Rockford overloaded sewers by any measurable degree. In addition, the Agency states because 95% of the church congregation resides in the immediate neighborhood, that the church's sewer would not constitute a significant increase to loads already served by the sewers in question. This is because on Sunday mornings there would merely be a shift in location of the source of the wastewater added to the sewers in question.

The Board has decided to grant the requested variance which will allow the church to connect to the Rockford sewer system because of the negligible increased load to overloaded sewers which were the subject of the Agency sewer ban. In addition, the Board relies upon the fact that Petitioner began construction of the church prior to the imposition of the sewer ban. Petitioner has previously sought to adapt the old septic system which had served the former church before it was destroyed by fire. However, the Winnebago County Health Department would not permit the use of this old septic system or its modification. Petitioner has investigated the cost of a new septic system which is reported to be between \$3,000 and \$3,500. Because of the small magnitude of the environmental effect of Petitioner's requested relief versus the expense to the Macedonia Baptist Church, the Board finds that Petitioner's variance request should be granted.

The Agency recommends a grant of Petitioner's requested variance subject to the condition that "no additional connections be made to the 350 foot sewer extension until overloaded conditions are relieved downstream". The Board finds from the facts presented in this case that such a condition is not warranted. Such a condition, if it were imposed by the Board would be tantamount to a Board imposed sewer ban under Section 33(c) of the Environmental Protection Act. The facts presented in this proceeding do not warrant the public notice and hearing required by Section 33 of the Act.

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

## ORDER

The Pollution Control Board hereby grants the Macedonia Baptist Church of Rockford, Illinois a variance from the Agency imposed sewer ban in order to construct and connect a sewer system to serve the Macedonia Baptist Church.

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 511 day of September, 1974 by a vote of 4-0

Christan L. Moffe to Clerk