## ILLINOIS POLLUTION CONTROL BOARD June 26. 1975

MR. AND MRS. (	OWEN BULLS, Petitioner,	) ) )	
	v.	) ) )	PCB 75-147
ENVIRONMENTAL	PROTECTION AGENCY, Respondent.	) ) )	

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

Petition for variance from a sewer ban was filed on April 4, 1975. The Bulls family owns a lot at 2803 Blanchard Road in Waukegan and desires to build a house upon it.

The Illinois Environmental Protection Agency filed its Recommendation on May 9, 1975. No public hearing was held. This identical cause was before the Board in PCB 74-305 and was denied without prejudice on November 22, 1974. Unfortunately, the record in the prior case was not stipulated into this case and cannot be used.

The Agency's Recommendation gives the family's size as five; the annual income (in September, 1974) as \$6.79 per hour plus overtime; and refers to the condemned housing in which they now live, also in Waukegan.

The Agency points out that the Judge Avenue Sewer, into which their proposed new home would discharge, "remains subject to backups and continues to pose a potential public health hazard" (Rec. p. 5). The testimony in a prior case is quoted by the Agency in which two cases of shigella and hepatitis occurred in the area, possibly attributable to basement backups.

Nothing new appears in this case from the prior proceeding, PCB 74-305, according to the Agency and it recommends denial, relying upon the previous Board weighing of the factors. The ultimate solution must come by an upgrading of the Judge Avenue Sewer but correction is not expected until 1978 at the earliest.

The Petitioner has not investigated the possible use of site holding tanks. No list is given of housing possibilities explored and the rents requested so that the Board can judge their suitability in light of the Bulls' income.

We do not lightly deny this request for a second time. We urge the Petitioners to seek suitable substitute housing immediately and to investigate site holding tanks. To grant this variance would be to subject other persons on this critical sewer to additional basement flooding and disease hazards.

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

Mr. Zeitlin dissents.

## ORDER

The Petition for Variance is denied without prejudice.
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 day of June, 1975 by a vote of 3-1.

Christan L. Moffett,/Clefk
Illinois Pollution Control Board