

ILLINOIS POLLUTION CONTROL BOARD

November 22, 1974

MR. AND MRS. OWEN BULLS)
)
 v.) PCB74-305
)
 ENVIRONMENTAL PROTECTION AGENCY)

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

Petition for variance from a sewer connection ban in Waukegan was filed August 19, 1974. The petitioners allege that their rental unit at 1636 Ferry Street is unfit for human habitation. They want to build a home on property which they own at 2803 Blanchard Road also in Waukegan. No public hearing was held in this case.

The Board on August 29, 1974 entered an order requesting information as to the location of the sewer to which the Bulls wish to connect and additional facts as to economic hardship. The information requested was supplied on September 19, 1974.

The family numbers five. The rental paid is \$170 per month. The gross income of the wage earner, Mr. Bulls, is about \$14,100 annually or more. The present residence is alleged to be unfit for habitation. The major deficiencies appear to be unsafe wiring and leaky plumbing. On October 30, 1974 a letter from the City of Waukegan Building Department was submitted by the petitioners and orders the immediate vacating of the Bulls' residence because of "a dangerous situation to life safety, health, and welfare of the tenant."

The sewer to which the proposed new residence would connect, eventually connects to the Judge Avenue sewer which has inadequate capacity to transport wastes. The City of Waukegan states that the corrective work has been designed but will cost in excess of \$4,000,000. The City seems to place the start of construction as being from two to three years away.

The Agency recommendation was received on October 21, 1974. It recommends a grant of the variance and likens the case to Mc Adams v. Environmental Protection Agency, PCB71-113. In Mc Adams, the family income was under \$6,000 per year and federal mortgage assistance as at stake.

Those circumstances are not present in this case. The family income is more than twice as great and no mention is made of federal mortgage assistance being involved. The Agency states that

the petitioners have investigated only two other apartments. Sufficient collateral is held by the Bulls to secure a construction loan.

Since no showing is made of any type of residence restriction to a certain location, we feel that a greater effort to secure an apartment is warranted. Petitioners might find something available in North Chicago or Lake Bluff or elsewhere in the area. And a greater rent might have to be paid, even if it means dipping into the collateral they have built up for a home purchase.

The alternative in this case is to put more sewage into an overloaded sewer which the Agency states

"During periods of wet weather this sewer (Judge Avenue) is subject to excessive flows from storm water runoff. This runoff results in the by-passing of untreated waste into Yeoman Creek and further results in the flooding of basements of homes in this area."

Basement flooding, where sanitary wastes are involved, brings with it the danger of hepatitis, polio, dysentery, and other waterborne diseases. Since the sewer corrective work is so far into the future (perhaps four years to completion, assuming Federal grant funds are made available) it seems best to deny the variance without prejudice. If the suits against the President's impoundment of grant funds are successful, then the timetable may be speeded up in Waukegan. The alternative of constructing a holding tank, as has been done in a dozen cases in Rockford, where sewers are similarly overloaded, ought to be considered by the Petitioners. More effort in seeking alternative apartments ought be put forth by the Petitioners.

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 that the above Opinion and Order was adopted on the 22nd day of November, 1974, by a vote of 4 to 0.


Christan L. Moffett