ILLINOIS POLLUTION CONTROL BOARD September 2, 1971

CARRIE F. ANDRACKI et al.)	
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V.)	# PCB 71-149
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ENVIRONMENTAL PROTECTION AGENCY)	

Carrie F. Andracki, pro se.
Roger C. Ganobcik, of Springfield, for Environmental Protection Agency

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

Petitioners request a variance from our order of March 31, 1971 (League of Women Voters v. North Shore Sanitary District, # 70-7) banning new connections to sewers tributary to overloaded sewage treatment plants. After hearing we deny the variance.

Petitioners are four adult sisters living in a house adjacent to a playground in Waukegan (R. 8). They testified that their present living situation is undesirable bacause of noisy traffic in an adjoining driveway (R. 9) and because of vandalism attributable to undesirable persons frequenting the playground, which resulted in three incidents of property damage, one including a personal injury from a thrown brick or rock (R. 8). As a result of these adversities the petitioners in March of this year, just before the sewer ban was imposed, purchased a lot (R. 9) on which they intend to construct a new home for something over \$40,000. The new home is to be connected to a sewer serving the Waukegan sewage treatment plant (R. 53). Plans for the home have been drawn (R. 17), but it is not certain whether this work was done before or after the connection ban was declared. No construction has been begun.

We regret the undeniable hardship that the sewer ban imposes on the petitioners and on many others with sound reasons for wishing to occupy new quarters. That some people would be put to such hardships is inherent in the sewer ban. We have held that where construction had not begun on the date of the ban, as here, neither the purchase of a lot nor the drawing of plans is sufficient to justify the worsening of the already bad pollution situation in the North Shore Sanitary District, because enjoyment of the money spent is not denied but only postponed. E.g., Wagnon v. EPA, # 71-85 (July 26, 1971). While we sympathize with the problems of noise and vandalism that the petitioners face, we do not believe this is a case, like McAdams v. EPA # 71-113 (August 13, 1971),

in which without the variance the petitioners will have no decent place to live. Poverty is not a factor here, since the petitioners are contemplating the construction of a home costing over \$40,000 (R. 49) and each of them is employed (R. 47). They have lived in the same house for over fifty years (R. 33), and for four years since the vandalism began (R. 48). As suggested by the Agency, the threat of missiles and of burglars can be significantly lessened by the installation of grillwork on the windows (R. 27-28). We are not convinced either that to remain in their present home for a little while longer would be intolerable or that finding alternative accommodations would be impossible, despite unsuccessful efforts so far (R. 15, 48), when compared to the urgent necessity for protecting Lake Michigan from further degradation, as graphically spelled out in our March 31 opinion.

The petition for variance is denied. This opinion constitutes the Board's findings of fact, conclusions of law, and order.

Mr. Aldrich and Mr. Kissel dissent for reasons to be stated separately.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 2nd. day of September, 1971.