

ILLINOIS POLLUTION CONTROL BOARD  
May 26, 1977

ORCHARD & VINE CORPORATION, )  
(LARRABEE NORTH COURT APARTMENTS), )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-65  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

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

This matter is before the Board on a Petition for Variance filed by the Orchard & Vine Corporation on February 25, 1977. Pursuant to a formal Objection filed by Respondent Environmental Protection Agency (Agency), the Board entered an Interim Order on March 17, 1977, setting the matter for hearing. The Board entered additional Interim Orders on April 28, 1977 (granting the Agency an extension of time in which to file its Recommendation), and on May 12, 1977 (granting the Agency leave to withdraw its Objection in this matter). The Agency's Recommendation was filed with the Board on April 22, 1977. No hearing was held in this matter.

Petitioners seek variance from Rule 602(a) of Chapter 3: Water Pollution, which prohibits the construction of new combined sewers. Petitioners wish to construct such sewers to service a proposed 14-building, 166-unit apartment complex, which will be tributary to existing combined sewers of the Metropolitan Sanitary District of Greater Chicago (MSD).

The facts in this matter and the Agency's Recommendation are essentially identical to those in another matter decided today: Near North Development Corp. v. EPA, PCB 77-78 (May 26, 1977). On the same basis that we determined that the grant of that variance was warranted, we shall grant the Petition in this case. We find that the MSD's tunnel and reservoir project constitutes an acceptable compliance plan, and that there is not likely to be measurable environmental damage as a result of this variance grant.

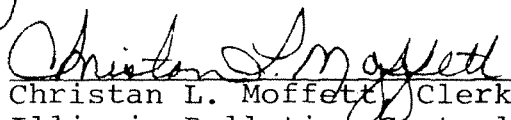
This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Petitioner Orchard & Vine Corporation be granted a Variance from Rule 602(a) of Chapter 3: Water Pollution, to allow the installation of new combined sewers to service a 14-building, 166-unit apartment complex to be located in the City of Chicago and tributary to the existing sewers of the Metropolitan Sanitary District of Greater Chicago.

Mr. Jacob D. Dumelle will file a supplemental statement.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26<sup>th</sup> day of May, 1977, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board