

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1975

J. RUSSEL MILLER,)
Petitioner,)
)
v.) PCB 75-309
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
Respondent.)

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

This matter comes before the Pollution Control Board (Board) upon the August 6, 1975, petition of J. Russel Miller (Miller) for variance from the October 24, 1974, Board Order in PCB 74-230. The Board construes Miller's petition as a petition for variance from a sewer ban.

Petitioner owns block 126 and 129 in South Waukegan Subdivision, North Chicago, Illinois. The Board, in PCB 74-230, granted Miller variance for his office building from a sewer ban and allowed Petitioner to connect his building, provided that the connection serviced only the second floor which had been leased to two dentists. He now seeks to connect the other two floors of his building to the North Shore Sanitary District. The Board noted at page three of its Opinion that: "In reaching the decision to grant this limited relief, we are not unmindful that Petitioner's hardship, onerous as it may be, was largely self-imposed."

According to the Environmental Protection Agency's (Agency) recommendation, the North Chicago Plant of the NSSD has been issued a final NPDES permit and the sewer ban should be lifted when the Gurnee plant is completed in November of this year.

As the financial burden on Petitioner was largely self-inflicted and as the sewer ban should end in November of this year, the Board finds that Petitioner has failed to show a change in circumstances which would support a modification of the Board's Order in PCB 74-230. Therefore the Board must deny Miller's variance petition.


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 J. Russel Miller's petition for variance be, and is hereby, dismissed.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16th day of October, 1975 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board