ILLINOIS POLLUTION CONTROL EOARD October 16, 1975

MR. AND MRS.	ROOSEVELT NIXON, JR.	.)		
	Petitioners,)		
V .)	PCB	75-354
ENVIRONMENTAL	PROTECTION AGENCY,)		
Respondent.)		

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

Petitioners, Mr. and Mrs. Roosevelt Nixon, Jr., filed a Petition for Variance on September 10, 1975, seeking relief from Order No. 7 in the case of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, 1 PCB 369, 396 (1971). The Agency Recommendation in this matter was filed on September 29, 1975. No hearing was held in this matter.

Petitioners were first affected by the North Shore Sanitary District sewer ban when that Order was entered on August 31, 1971. In August, 1975, Petitioners purchased property in North Chicago, expecting that the sewer ban would be lifted. Petitioners seek permission to build a single-family residence on the newly purchased property.

The hardship claimed by Petitioners is largely financial. Petitioners claim that they are eligible for government loans which are available to individuals in certain income brackets, and that, if they are not allowed to proceed soon with construction of a new home, they will not be able to obtain such government assistance.

In addition, Petitioners claim that their present 3-bedroom townhouse is overcrowded. Petitioners have three children, ages 13, 11, and 8.

The Agency Recommendation states that the hardship alleged by Petitioners might not normally be considered sufficiently extreme to justify a Variance. However, the Agency points out that the grant of this Variance will have a minimal impact, in that the problems of overflow at the North Chicago sewage treatment plant of the North Shore Sanitary District have been eliminated by the construction of a combined over-flow retention basin system, which was completed in January, 1975. The Agency also points out the Tact that flows at the North Chicago sewage treatment plant have been within that plant's treatment capacity, and that effluents from the North Chicago sewage treatment plant have been within the limits set by its NPDES permit. It also appears from the Agency Recommendation that the effluent of the North Chicago plant will be diverted to the North Shore Sanitary District's new Gurnee plant, which is scheduled for completion in November, 1975. After that time, discharges from the North Chicago plant into Lake Michigan will be eliminated. That being the case, it would appear that the grant of this Variance would not contravene the purposes of the North Shore Sanitary District sewer ban: the protection of Lake Michigan. 1 PCB at 385.

The Agency also notes that the sewers to which Petitioners' proposed home will be connected are not subject to overflow, bypassing, or backup. Such backup or sewer overflows have been important in past Board decisions in sewer ban Variances.

We agree with the Agency that the hardship present here is minimal; however, any damage to the environment, or to public health, which might result from the construction of Petitioners' new home is essentially nil. The Gurnee plant will, according to the Agency Recommendation, be on line before construction of Petitioners' new home is complete. There is no reason that this Variance cannot be granted.

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

ORDER

Petitioners, Mr. and Mrs. Roosevelt Nixon, Jr., are granted a Variance from Order No. 7 in League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13, and 14, to allow a sewer connection for the construction of a single-family residence on the following property:

> Lots 13, 14, and 15 in Block 112 in South Waukegan, being a subdivision of the West half of the Southwest Quarter of Section 32, Township 45 North, Range 12, East of the 3rd P.M. and the West half of the Northwest Quarter of Section 5, Township 44 North, Range 12, East of the 3rd P.M. in Lake County, Illinois.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16^{72} day of Geliu, 1975 by a vote of 3-6

Mr. Young abstained.

Clerk Christan L.

Illinois Pollution Control Bc