

ILLINOIS POLLUTION CONTROL BOARD
September 12, 1974

J. RUSSEL MILLER)

v.)

) PCB 74-230
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ENVIRONMENTAL PROTECTION AGENCY)
)

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

Petitioner filed a Variance Petition on June 17, 1974 seeking relief from Order #7 of League of Women Voters v. North Shore Sanitary District, PCB 70- 7, 12, 13, & 14, for the connection of a proposed commercial building to the North Chicago, Illinois sewer system. On August 8, 1974 the Board entered an Order which required Petitioner to file an Amended Petition for Variance on or before September 11, 1974 which would comply with Procedural Rule 401 regarding the information required to be included in a Petition for Variance. On July 29, 1974 the Agency filed a Recommendation to deny Petitioner's Variance request.

The Board has decided to deny Petitioner's Variance request because of failure to comply with the "more information" Order dated August 8, 1974 and because Petitioner's request fails to adequately state grounds on which a variance should be granted. Petitioner has presented no information concerning the date of start of construction of the proposed building or degree of completion of said construction. Petitioner alleges that he has incurred a "great expense" but does not present any information as to the amount of the "great expense". In addition, Petitioner has constructed two commercial buildings on the land in question which should reduce the amount of the alleged "great expense". Petitioner has not presented the Board with any information on the amount of cost to be incurred in the event Petition was denied and Petitioner was forced to install a holding tank or septic system other than the "costly expense in comparison with a sewer hookup."

In denying Petitioner's request without prejudice, Petitioner is free to refile an adequate Variance Petition which meets the requirements of Rule 401 of the Procedural Rules.

This Opinion constitutes the Board's findings of facts and conclusions of law.

ORDER

Petitioner's Variance request is hereby denied without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of September, 1974 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board