

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1974

ROBERT H. FOREMAN

v.

ENVIRONMENTAL PROTECTION AGENCY

PCB 73-492

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

On November 16, 1973 petition for variance from a sewer connection ban was filed. Petitioner desires to construct eight additional one-bedroom apartments at 1037-1041 McAree Street in Waukegan. The property presently has five apartments on it.

The property was purchased in December 1971 and the petitioner "was not told of the sewer problem" at the time of purchase. The petitioner's hardship is the need for additional income. Documents were submitted showing that he suffers from "bilateral Morton's neuroma" which causes pain in his feet. The petitioner alleges that his wife cannot now work because of back injuries and that he has only averaged 25 hours of work per week since 1970.

On November 29, 1973 the Board entered an order requesting information as to the adequacy of the sewer to which the proposed eight additional apartments would connect. The information was to be supplied within 30 days or by December 29, 1973. To date no information has been received from the petitioner and the petition could be dismissed for reason of being inadequate. No public hearing was held.

The Agency filed its recommendation on December 10, 1973 and asks for denial. It points out that the population equivalents (P.E.) allowed to be connected to the Waukegan sewage treatment plant under PCB 72-451 have not been exhausted and that ordinarily a permit could be issued by the North Shore Sanitary District. However, the petitioner's property would connect to the Judge Avenue sewer in Waukegan which the Agency has classified "hydraulically overloaded". This sewer, when overloaded, bypasses

raw wastes to Yeoman Creek and into basements in the area. No plans are known by the Agency of any program by the City of Waukegan to correct the condition of the Judge Avenue sewer.

The Agency further points out that the financial hardship has not been documented by the petitioner. It also states that alternatives such as septic tanks or holding tanks have not been examined by the petitioner. We point out that another alternative is for the City of Waukegan to repair or rehabilitate or enlarge the sewer.

Because of the danger to the public health were the variance to be granted and the lack of exploration of various alternatives the variance is denied without prejudice.

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

ORDER

The variance is 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 7th day of February, 1974 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board