

ILLINOIS POLLUTION CONTROL BOARD

February 21, 1974

BRUCE C. AND LAURELLE D. DOERING,)
)
) Petitioners,)
)
) v.) PCB 73-537
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Petitioners Bruce C. and Laurelle D. Doering seek a variance from Order No. 7 of the League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13 and 14 in order to permit a sewer connection for a single family dwelling located at 414 Rockefeller Drive, Lake Forest, Illinois. The proposed connection would be tributary to the Sanitary District's Clavey Road sewage treatment plant.

The Sanitary District refused to give the Doering's a sewer permit in June 1973. However, Petitioners "were informed that by October 1973, the permits should be available due to the increased capacity of the Clavey Road Plant". (Variance Petition P. 1) Relying on this information, Petitioners began construction of the dwelling in mid-July 1973.

Since July 1973 Petitioners have been living in an apartment at a cost of \$400 per month. They are incurring expenses from month to month for the storage of furniture and appliances and for interest on the construction loan. These expenses have caused Petitioners to experience a financial strain.

The Doerings have filed a letter with the City of Lake Forest stating that they will not occupy the home until sewer facilities are available or a septic system is installed. Petitioners now claim that they cannot afford to spend \$3000 for a septic system which would be only a temporary installation. The Lake County Health Department has labeled the soil in the area as "severe" indicating that the high clay content of the soil would reduce efficiency of any septic system. An additional drawback to the septic system would be the destruction of trees and bushes which Petitioners contend "are the beauty and essence of the area".

The Agency recommends granting the variance on the condition that Petitioners show (1) that a septic system would not be practical and (2) that Petitioners actually relied on NSSD assurances that permits would be available. The Agency has failed to deny Petitioners' allegations regarding the septic system or their allegations that they relied on NSSD assurances regarding the availability of permits. We have no reason to doubt Petitioners' veracity.

The Doerings should not have relied upon NSSD predictions regarding future availability of sewer permits. Their mistake however, is understandable. They state that they did not learn of the variance procedure until December 7, 1973 and immediately filed this request for variance with the Board.

We have already determined that 2,000 additional sewer connections (8,000 population equivalence) will be available to the North Shore Sanitary District July 1, 1974. (See: NSSD vs. EPA, PCB 73-134) The Clavey Road plant is adequate to handle the Doering effluent and it will serve no useful purpose to postpone their connection from February 1974 to July 1974.

In many respects this Petition is similar to that of Rune and Wenche Ericksson, PCB 73-459. In that case we held that the financial plight of double living expenses in addition to other problems could be adjudged an arbitrary and unreasonable hardship. We believe that the Doerings have made a similar showing in this case, and will allow the variance.

ORDER

It is the Order of the Pollution Control Board that Bruce C. and Laurelle D. Doering be granted variance from Order No. 7 of the League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13 and 14 so that they may secure a sewer connection permit for a single family dwelling in Lake Forest, Illinois. This sewer connection shall be counted as one of the 2,000 connections authorized in NSSD vs. EPA, PCB 73-134.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 21ST day of February, 1974 by a vote of 5 to 0.

Christan L. Moffett