ILLINOIS POLLUTION CONTROL BOARD December 6, 1973

RUNE & WENCHE ERIKSSON	)		
PETITIONERS	)		
	)		
	)		
V •	)	PCB	73-459
	)		
	)		
ENVIRONMENTAL PROTECTION	AGENCY)		
RESPONDENT	)		
	)		

OPINION OF THE BOARD (by Mr. Marder)

This cause, filed October 31, 1973, is to be heard on a petition for variance from Board Order #7, League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13, 14. Petitioners are requesting a variance to allow a sewer connection for their residential property located at 1585 Willow Street, Lake Forest, Illinois. No hearing was held. The Board Order in this case was issued on November 29, 1973.

Petitioners allege that they are recent immigrants to the United States from Sweden. They further allege that they have been searching for a place to settle, and that they invested all of their funds in property located at 1585 Willow Street, Lake Forest, Lake County, Illinois. They received a mortgage to build a house on their property. They were told by their contractor that a sewer permit would be obtainable around October 1, 1973. Petitioners must vacate their rented home, put their furniture into storage, and move their children out of their present school if a variance is not granted. A septic system permit has been obtained by Petitioners. They would have the cost of installing the septic system, and then when a permit was available, installing into the sewer system.

Petitioners also allege that the septic system would cause irreparable harm to the wooded area on the property.

Petitioners' mortgage payments on their home begin on December 1, 1973, and if they were forced to live in a hotel, they would have a burdensome double payment for housing.

The Agency opposes the granting of this variance, in the recommendation filed November 29, 1973. The Agency uses the same reasoning in this case as they did in Berkquist v. Environmental Protection Agency, PCB 73-412. The Agency alleges that until the Clavey Road treatment plant reaches its anticipated capacity of 18 MGD, no sewer permits should be granted. They fear that when the dry weather flow from the District's lakefront plants is diverted to Clavey, at a rate of 3 MGD, the Clavey plant will be forced to operate over its present rated capacity of 10 MGD.

## CLAVEY ROAD SEWAGE TREATMENT PLANT MONTHLY OPERATION REPORTS

Month	Avg. Flow (MGD)	BOD (mg/1)	SS (mg/l)
Jan/73	7.56	18	17
Feb/73	6.87	33	20
Mar/73	9.21	35	21
Apr/73	10.31	28	22
May/73	8.19	30	31
Jun/73	7.64	23	20
Jul/73	6.34	19	23
Aug/73	6.33	11	13
Sep/73	6.72	7	18
Oct/73	(flow data omitted)	12	27

Section 35 of the Environmental Protection Act allows the Board to grant a variance from one of its orders if the order imposes an arbitrary or unreasonable hardship. We feel that this is such a case. Taking into consideration Petitioners' financial plight along with the double living expenses and the schooling problems of their daughters, we feel that Petitioners have met their burden of proof, showing unreasonable hardship under our Board Order #7, League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13, 14.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion was adopted on the  $4^{-1}$  day of December, 1973 by a vote of  $4^{-1}$ .

Christan L. Moffett, Clerk Illinois Pollution Control Board