

ILLINOIS POLLUTION CONTROL BOARD
January 17, 1974

JOHN and JAMES GIBBS,)
)
 Petitioners)
)
 vs.) PCB 73-472
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

Louis R. Gentili, Attorney, on behalf of Petitioner;
Lee A. Campbell, Assistant Attorney General, on behalf of
the Environmental Protection Agency.

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

On November 6, 1973, Messrs. John and James Gibbs, residents of Highland Park, County of Lake, Illinois, filed their Petition for Variance seeking permission for a sewer connection tributary to the Clavey Road sewage treatment plant of the North Shore Sanitary District.

The subject building is located in the Sunset Manor Subdivision, Highland Park, Illinois, and is presently served by a septic system. Said building houses Trans-World Travel, Inc., which employs approximately fifteen (15) persons.

Petitioners allege that the septic tank system serving the commercial establishment is malfunctioning, particularly after heavy rainfall, thereby causing inconvenience to not only the fifteen (15) employees but also to their customers. Petitioners indicate that their establishment's washroom facilities cannot be used for several days after a heavy rainfall and that the odors emanating therefrom during that period are most annoying and embarrassing. Employees and customers are often required to use the toilet facilities of a beauty parlor located next door to the subject premises, which facilities are connected to a North Shore Sanitary District sewer.

Petitioners have submitted a copy of a letter from the Lake County Health Department advising Petitioner to seek a hardship variance in order to connect to an existing sanitary sewer. This recommendation was based upon an inspection by

the Lake County Health Department which indicated that the soil in Petitioner's locale had been stripped and filled, making it very unsuitable for septic tank systems.

The Pollution Control Board has granted variances in cases such as the present one where a petitioner has shown that a public health hazard exists in regard to the operation of a septic system and this health hazard cannot be eliminated through improved maintenance or relatively minor repairs of the system. (See e.g. Elsa J. Miller v. Environmental Protection Agency, PCB 73-43; James Clark v. Environmental Protection Agency, PCB 73-37; Winsor v. Environmental Protection Agency, PCB 71-334; and Robert J. Bartell v. Environmental Protection Agency, PCB 72-382.) Petitioners have adequately shown that the septic system cannot be repaired so as to operate effectively and that the present operation of the system constitutes a public health hazard requiring immediate remedy.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Petitioners, John and James Gibbs, be granted variance to connect the commercial building located on Lot 10 in Sunset Manor Subdivision, Highland Park, Illinois, to the existing sanitary sewer tributary to the Clavey Road sewage treatment plant of the North Shore Sanitary District.

The Board further orders that the North Shore Sanitary District subtract Petitioner's population equivalent from the total population equivalent granted to the District in North Shore Sanitary District v. EPA, PCB 73-134.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted this 17th day of January, 1974 by a vote of 5-0.

Christan L. Moffett