

ILLINOIS POLLUTION CONTROL BOARD  
October 11, 1973

WADELL BROOKS, SR., )  
 )  
 Petitioner, )  
 ) PCB 73-261  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (BY MR. DUMELLE)

Petitioner filed a Petition for Variance on June 25, 1973, which sought relief from Order #7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, in order to obtain a sewer connection permit for a proposed day care center to be located in Lake County, in the 1900 Block of Sherman Avenue, in North Chicago. In an interim Order dated June 28, 1973, the Pollution Control Board (Board) gave Petitioner 30 days to amend his petition and provide additional information. The amended petition was received by the Board on July 16, 1973. The Environmental Protection Agency (Agency) filed a recommendation on September 18, 1973, to grant the variance. No hearing was held.

Petitioner alleges that a denial would cause the working class mothers in the North Chicago area to be subjected to a hardship due to a shortage of day care facilities in the area which, at present, restricts employment opportunities for these members. Petitioner states that the Department of Children and Family Services are eager for the Center to be built.

The day care center connection would be a tributary to the North Shore Sanitary District's North Chicago sewage treatment plant, which during high flows, by-passes chlorinated raw sewage into Lake Michigan. The plant's Monthly Operational Reports indicate that the effluent exceeds the BOD and Suspended Solids standards. The North Chicago plant's effluent will be diverted to the proposed Gurnee sewage treatment plant. The Agency states that the Gurnee plant is significantly behind the scheduled February, 1974 completion date. Petitioner states that the proposed center would serve approximately 100 children, the majority of which reside in North Chicago. The Agency calculated that the center would contribute a hydraulic population equivalent (P.E.) of 20.

The Board finds that Petition should be granted a variance from the sewer ban order because his proposed connection will not result in a net increase in the hydraulic load to the North Chicago plant because the people using the center are from the area already serviced by the plant. See e.g. Lake County School District #64 v. Environmental Protection Agency, PCB 71-313, 382; New Hope Missionary Baptist Church v. Environmental Protection Agency, PCB 72-417; and Foss Park District v. Environmental Protection Agency, PCB 72-447, respectively.

The Board further finds that the hardship to the general public, especially working class mothers in the North Chicago area, if the variance is denied, is far greater than the hardship to the community if the variance was granted because of the insignificant additional load. See e.g. Trepauier v. Environmental Protection Agency, PCB 73-203; Miller v. Environmental Protection Agency, PCB 73-43; and Bartell v. Environmental Protection Agency, PCB 72-382.

The above consists of the Board's finding of fact and conclusions of law.

ORDER

The Pollution Control Board hereby grants the Petitioner a variance to allow a sewer connection for his proposed day care center.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 11<sup>th</sup> day of October, 1973, by a vote of 4 to 0.

Christan D. Moffett