ILLINOIS POLLUTION CONTROL BOARD May 3, 1973

WALTER JEDRYSZEK)))		
v.)))	PCB	73-93
ENVIRONMENTAL PROTECTION AGENCY)))		

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

Petition was received by the Board on March 6, 1973 asking that relief be given from the sewer connection ban to permit the petitioner, Mr. Walter Jedryszek, to connect his home at 3848 University in Gurnee to the sewer system.

The petition alleges that his septic system is backing up due to its age and to unseasonable weather (presumably excessive rainfall).

No hearing was held on this matter. The Agency recommendation was received by the Board on April 3, 1973 and recommends denial or dismissal of the petition as being inadequate under the Board's Procedural REgulation 401(a).

The Agency's recommendation was not filed within 21 days and thus its request for denial does not mandate a hearing. The Procedural Rules section quoted (401(a)) requires a clear delineation of hardship and relief sought.

The Board believes that the allegation of a septic system "now constantly backing up" and "flooding" is a clear enough statement. One does not have to cite the accompanying dangers of hepatitis and polio infection to make a case of hardship. The Agency does not state whether it observed the situation at the petitioner's home and we thus have an allegation on one side and no verification or contrary fact on the other.

The Board has consistently opted to replace septic tanks with connections to public sewer systems whenever circumstances seem to require this. We are disappointed not to have the Agency's field report and accept the petitioner's statement.

The variance is granted.

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 day of May, 1973 by a vote of

Christan L. Moffett,

Illinois Pollution Control Board