

ILLINOIS POLLUTION CONTROL BOARD
July 19, 1973

LEO H. ANDERSON,)
)
) Petitioner,)
)
) v.) PCB 73-166
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

On April 25, 1973, Petitioner, Leo H. Anderson, filed his Petition for a variance to enable him to obtain a sewer connection for his single family dwelling presently served by a septic system. The proposed connection would be tributary to the Clavey Road sewage treatment plant of the North Shore Sanitary District.

This Board, in an Order dated May 3, 1973, requested that Petitioner "file an amended petition within 15 days detailing the exact condition of his septic system." The Order further requested that the Environmental Protection Agency file a prompt Recommendation and that the Lake County Health Department Division of Environmental Control file a Report. To date, the Board has received only the Agency's Recommendation.

The degree of increased load is not clear from the information contained in the Petition, since the number of persons to be served by the proposed connection is not stated. Petitioner alleges that the present septic system is "no longer the best." Petitioner fails to state the nature and extent of the inadequacy, if any; whether the problem can be corrected by minor repairs or improved maintenance; and whether the present system constitutes a health hazard to the public. Petitioner has failed to show that the denial of this variance would impose an arbitrary or unreasonable hardship; and that the grant of this variance would impose no public injury.

As Petitioner has failed to file an amended petition stating allegations upon which this Board could base a decision, Petitioner's request for variance must be denied. However, from such allegations as are contained in the Petition, it appears that Petitioner may well have the requisite grounds for a variance in cases of this nature. The denial will, therefore, be without prejudice with leave to file a new Petition if Petitioner is so inclined. In that regard, Petitioner is urged to familiarize himself with Rule 401 of the Procedural Rules of the Illinois Pollution Control Board and consider Bereskin v. Environmental Protection Agency (PCB73-143) and Patrick v. Environmental Protection Agency (PCB73-188).

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

IT IS THE ORDER of the Pollution Control Board that Petitioner's request for variance is denied without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 19th day of July, 1973, by a vote of 4 to 0.

Christan L. Moffett