

ILLINOIS POLLUTION CONTROL BOARD  
July 19, 1973

MR. AND MRS. CLARENCE TOMPKINS, )  
 )  
 Petitioners, )  
 )  
 v. ) PCB 73-291  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On July 16, 1973, Petitioners, Mr. and Mrs. Clarence Tompkins of Waukegan, Illinois, filed a Petition for variance to enable them to obtain a sewer permit for connection tributary to the North Shore Sanitary District. Petitioners have for five years owned and paid taxes on certain lots located in North Chicago, Illinois, and intend to build a home thereon.

Petitioners allege that they have sold their present home and must vacate before September 1, 1973. It is difficult to imagine how Petitioners expect to occupy by September 1, 1973 a home which has not yet been constructed. Further, the Petition is in other respects so deficient and incomplete that this Board cannot find sufficient allegations upon which a reasoned decision can be made.

The Petition must, therefore, be denied without prejudice with leave to file a new Petition. Petitioners are urged to familiarize themselves 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 17<sup>th</sup> day of \_\_\_\_\_, 1973, by a vote of 7 to 0.

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