

ILLINOIS POLLUTION CONTROL BOARD
November 14, 1972

HENRY BERAN)
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 v.) #72-399
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 ENVIRONMENTAL PROTECTION AGENCY)

Opinion & Order of the Board (by Mr. Currie):

Mr. Beran petitions for permission to connect a new home to a public water supply operated by McHenry Shores Water Co. despite our order of June 29, 1972. McHenry Shores Water Co. v. EPA, #72-137, 4 PCB 745, in which, without forbidding such connections, we noted that they would exacerbate existing inadequacies of the system in violation of the regulations. The Agency recommends a grant on the basis of precedents allowing connections in similar cases because of the hardships that would be caused by inability to connect in view of construction having been commenced in good faith prior to imposition of any ban on connections, e.g., Wachta v. EPA, #71-77, 2 PCB 117 (July 12, 1971), and because the connection of this one home will cause "only a minimal decrease in water pressure." We agree, and the variance is hereby granted.

We note that our order granting a limited and conditional variance required the McHenry Shores Water Co. among other things to submit by July 15, 1972 a program for compliance in the shortest practicable time. Our records indicate that, somewhat tardily, a program of improvements was filed and given EPA approval but with no time schedule and no request for extension of the variance. Expiration of the variance, or failure to meet the conditions of the variance, if such is the case, leaves the company open to prosecution for violations of the Act or regulations, and we urge the Agency to take such steps as may be appropriate to bring about compliance in the shortest possible time.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order of the Board this 14th day of November, 1972 by a vote of 5-0.

