

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1972

EMMANUEL LEE HANNA,)	
)	
Petitioner,)	
)	
v.)	PCB 72-422
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

Petitioner seeks a variance from the Board's Order in League of Women Voters v. North Shore Sanitary District, I PCB 369, in order to obtain a sewer connection to the District's North Chicago plant for a single family dwelling to be used as a residence for Petitioner and his family. The dwelling is to be built (construction has not started yet) on land adjacent to Petitioner's present residence in North Chicago, which land was purchased by Petitioner 3-1/2 years ago.

Petitioner asserts that he and his family presently reside in an upstairs one bedroom apartment. The husband and wife sleep in the living room with their six year old daughter, and two teen age sons share the bedroom. In addition, Petitioner has a back handicap, which makes it difficult for him to climb stairs.

The Agency's Recommendation, dated November 18, 1972, notes that Petitioner's proposed dwelling would connect to an existing sanitary sewer that is not overloaded. The Agency, however, opposes the variance because the North Chicago sewage treatment plant "bypasses essentially untreated sewage to Lake Michigan during high flow periods" (Recommendation, p. 1), and because Petitioner has not shown why "moving to another housing facility could not solve this problem" (Recommendation, p. 2).

Since the date of the Agency's Recommendation, the Board has taken cognizance of certain sewage treatment improvements that the District has put into effect this fall at its North Chicago plant, i.e. addition of alum and other chemicals to reduce the BOD and suspended solids levels to thereby provide more treatment capacity while still permitting effluent standards to be met (see Board Order dated November 28, 1972 in Mid-City Developers v. EPA, PCB72-274, Board Opinion to follow). In that case the Board granted a variance to permit connection to the sewer, and treatment by the plant, of a waste load of 910 population equivalents.

In view of the expanded treatment capacity at the North Chicago plant, which is more than adequate to accommodate the waste load which Petitioner proposes to add, and because of the hardship to Petitioner (crowded living conditions and health problem), we conclude that the variance should be granted. The nature of the hardships in this case outweigh the small increase, if any, in the burden that the new dwelling might place on Lake Michigan during storm overflow periods.

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

ORDER

Petitioner is granted a variance to connect a single family dwelling to be located in North Chicago, Illinois, to the North Chicago plant of the North Shore Sanitary District.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 5th day of December, 1972, by a vote of 4 to 0.

Christan L. Moffett