

ILLINOIS POLLUTION CONTROL BOARD  
July 25, 1972

CONGREGATION AM ECHOD )  
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 v. ) PCB 72-202  
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 ENVIRONMENTAL PROTECTION AGENCY )

Opinion of the Board (by Mr. Dumelle):

This opinion is in support of the order entered herein on July 18, 1972.

This is a petition for a variance from a Waukegan sewer ban order entered by this Board on March 31, 1971. No hearing has been held.

The Congregation has constructed a single-family residence on property adjacent to the Congregation property for the use of the Congregation's Rabbi and family. The Rabbi presently lives one mile from the temple, and it is his and his wife's practice to follow the strict Jewish religion's restrictions in that they will not ride in a motor vehicle from their home to the temple for the Friday and Saturday services, therefore walking the one mile distance.

The Rabbi is 54 years old and suffers from a leg disability wherein one leg is 2½ inches shorter than the other. Walking the one mile distance exposes him to undue medical problems and affects his whole physical condition. During bad weather it is difficult for the Rabbi and his wife to walk the distance from their home to the temple for services which constitutes a physical hardship on the Rabbi and by reason thereof affects the services of the congregation.

The petitioner has examined the possibility of installing a septic tank to handle the waste water from the proposed residence. However, the Lake County Health Department, by a letter to petitioner, indicated that the soil in that area had a very slow absorption rate and would be unsatisfactory for a septic system.

The waste from this residence would be conveyed to the Waukegan Sewage Treatment Plant thru the 15-inch sewer running south near Western Avenue at Blanchard Road in Waukegan. The Agency, by letter dated April 19, 1972, has designated this sewer as incapable of adequately transporting wastes. The petitioner alleges that the discharge from this single-family home would neither cause an overflow nor contribute any measurably quantity to an overflow once it had occurred since the

overflows are caused only during periods of wet weather. The Agency in its recommendation has not contradicted that allegation.

The Agency recommendation is that the variance be granted. Even though there is no direct financial hardship being suffered, we feel that the Rabbi, his wife, and all those who benefit from his services will suffer in a special way if the Rabbi becomes unable to attend. As we stated in McAdams v. Environmental Protection Agency, PCB 71-113:

"The additional pollution that variances in extreme cases like this will cause will probably be small, for such cases are likely to be rather rare; and it must be borne because the hardship of denial is too great."

This opinion constitutes the Board's findings of fact and conclusion of law.

Mr. Currie dissents.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 25<sup>th</sup> day of July, 1972, by a vote of 3-1.

Christan J. Moffett