

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1972

JOHN S. WINEMAN et al.)
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 v.) # 72-310
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 ENVIRONMENTAL PROTECTION AGENCY)

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

Mr. & Mrs. Wineman seek permission to connect a new home to a Highland Park sewer tributary to the overloaded Cary Avenue treatment plant, despite our order forbidding such connections. League of Women Voters v. North Shore Sanitary District, #70-7, 1 PCB 369 (March 31, 1971). Construction had not begun at the time the ban was imposed, nor is it alleged it has begun now. The hardships asserted are those associated with the present inability to make productive use of a lot and architectural plans purchased for deferred use before the ban was imposed. We have repeatedly held that such allegations, if proved, are insufficient to justify the additional pollution that new connections would bring about. See, e.g., Monyek v. EPA, #71-80, 2 PCB 125 (July 19, 1971). The further allegation that the proposed home would replace one that was razed in 1963 carries little weight. We have held the ban does not apply when a new building replaces one that was contributing wastes to the system on the date of the ban, since there is no net increase in load. State National Bank of Evanston v. EPA, #72-176, 4 PCB 499 (May 10, 1972). This reasoning is obviously inapplicable to a house torn down in 1963, for its replacement increases the load beyond what it was at the date of the 1971 ban.

Even if all the factual allegations of the petition were proved, we could not grant the variance. The petition is therefore dismissed. PCB Regs., Ch. 1, Rule 405(b)(1).

I, Christian Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 17th day of October, 1972, by a vote of 5-0.

