

ILLINOIS POLLUTION CONTROL BOARD
March 2, 1972

PFANSTIEHL LABORATORIES)
)
 v.) PCB 72-37
)
 ENVIRONMENTAL PROTECTION AGENCY)

CHARLES STONE)
)
 v.) PCB 72-42
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION OF THE BOARD (by Mr. Kissel):

These two cases involve requests for variances from Paragraph 7 of the March 31, 1971 order of the Board in the North Shore Sanitary District case. League of Women Voters, et al v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14, opinion dated March 31, 1971. In the Pfanstiehl case (PCB72-37) the verified petition details that Pfanstiehl made repairs to its sewer discharge lines and completed them in December of 1970. Subsequently, (November, 1971) it was discovered that the sewer contractor had connected one of the discharge lines to the storm, not the sanitary, sewer line. Upon discovery, the City of Waukegan (the city in which the Pfanstiehl plant is located) directed Pfanstiehl to discontinue discharging water into the storm sewer. This re-connection was done; however, on inspection the Agency advised Pfanstiehl that since this was an additional discharge to the sanitary sewer system since March 31, 1971, Pfanstiehl would have to apply for a variance from the Board's order previously referred to.

In the Stone case (PCB 72-42) the petition verifies that he owned and resided in a single family dwelling unit in Waukegan, and has resided in that home for the last 30 years. On December 19, 1971, the house burned to such a degree that it was uninhabitable, and to date the sanitary sewer has not been used. Mr. Stone now seeks to use the sanitary sewer (apparently repairs to the house have been completed to make it habitable again) but has been told that this is a new connection and, therefore, a variance must be granted by the Board from the aforesaid March 31 order.

Both cases present basically the same fact situation. In each case the petitioners were using the sanitary sewer prior to the March 31, 1971 order, but for an explainable reason the sewer use was discontinued -- in the Pfanstiehl case because of the connection to the storm sewer, and in the Stone case because of the fire. While the order of March 31 prevented additions to old connections, as well as new connections, we do not feel that the intent of the order was to exclude connections for those who had been using the system, and for an explainable reason, discontinued use, and then merely wanted to reconnect to the sewer system.

The variances therefore will be granted.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on this 2ND day of March 1972, by a vote of 4-0.


Christan L. Moffett
Clerk of the Board