

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1976

ELMHURST NATIONAL BANK, as Trustee)
under Trust Agreement #3766, and)
ANNORENO AND IRMEN BUILDERS, INC.,)
)
Petitioners,)
)
)
v.) PCB 76-214
)
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by Mr. Goodman):

This matter comes before the Board upon a Petition for Variance to allow the hook-up of an existing 36-unit apartment building to the sanitary sewer system of the Village of Itasca. On September 15, 1976, the Board entered an Order herein regarding inadequacies in the original petition filed on August 26, 1976 and requesting further information with regard to the petition. On September 30, 1976, Petitioner submitted additional information in response to the Board Order of September 15, 1976, including a copy of what purports to be Permit Number 1961H580 as issued by the Sanitary Water Board of the State of Illinois on December 18, 1961. The Sanitary Water Board of the State of Illinois was the predecessor of the Illinois Environmental Protection Agency (Agency) with respect to the issuance of sewer permits.

Upon review of the Petition and the copy of the permit submitted, the Board finds that a variance is inappropriate in this case. An apparently valid permit was issued by the Sanitary Water

Board and pursuant to that permit an 8" sanitary sewer extension in Itasca Terrace Subdivision was constructed in a timely fashion. The only difference between the plan submitted in 1961 with the original permit application and the present construction is a change in the configuration of the residents units, which change the Board finds to be de minimus.

Rule 951 of the Board's Water Regulations specifically recognizes the authority of a permit issued by the Sanitary Water Board and exempts the holder of such a permit from the requirement of obtaining a construction permit if construction is completed within a certain time period. Rule 952 requires an operating permit only for those sewers for which a construction permit is required under Rule 951. Because Petitioner constructed under the authority of a permit issued by the Sanitary Water Board, a variance to allow the hook-up of the 36-unit apartment building is inappropriate.

Petition for Variance herein is hereby dismissed as inappropriate.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 14th day of October, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board