

ILLINOIS POLLUTION CONTROL BOARD
June 9, 1977

ANTHONY J. CASALINO,)
)
 Petitioner,)
)
 v.) PCB 77-81
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On March 14, 1977 Petition for Variance was filed on behalf of Anthony J. Casalino apparently requesting a variance from Rule 962 of Chapter 3: Illinois Water Pollution Regulations (Regulations). The purpose of the requested variance is to allow the construction of two single family residences tributary to the Addison South Treatment Plant which is now on Restricted Status pursuant to Rules 604 and 962 of the Regulations.

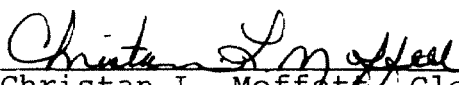
No hearing having been held in this matter the record the Board must consider consists of the Petition and the Agency Recommendation. Taking all allegations in the variance petition as true, nowhere in this record can the Board find any arbitrary or unreasonable hardship imposed upon Petitioner if we refuse to grant his Petition. The only allegation of hardship by Petitioner is that should he decide to build on his two empty lots at the present time, he would be forced to install a private septic system. Balanced against that alleged hardship is a hydraulically overloaded sanitary treatment plant discharging into Salt Creek which the Agency classifies as biologically unbalanced upstream from the Addison discharges and biologically polluted downstream therefrom. Absent any hardship beyond inability to connect his lots to the Addison Sanitary system, the Board must find that Petitioner has failed to meet his burden and that the biologically polluted status of Salt Creek and the overloaded condition of the Addison Sanitary Treatment Plant precludes the granting of the proposed sewer extension.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that the Petition for Variance made on behalf of Anthony J. Casalino be and is hereby denied.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9th day of June, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board