

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1973

ROBERT S. STECK

v.

ENVIRONMENTAL PROTECTION AGENCY

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PCB 73-342

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

On August 13, 1973, Petitioner Robert S. Steck filed a Petition for Variance to connect to the McHenry Shores Water Company system in McHenry County.

This case is similar to PCB 73-229 James F. Chaps v. EPA; Petitioner seeks a variance for a single family residence located on Lot 9, Block 8, in McHenry Shores Unit #1. Petitioner obtained a construction permit from the Village of McHenry Shores on February 12, 1973 and has constructed a residence for re-sale.

Although Petitioner acknowledges that he was aware of the problems in connecting to the water system, he alleges that he was uninformed that because of improvements instituted by the system's new owners, the "ban" would be lifted and water service would be available by the time of completion of construction.

The Agency has recommended that the variance to connect be granted. It stated that plans and specifications for a water storage tank had been approved and that the tank would be constructed and ready for use in mid-September, 1973.

Petitioner alleges that the residence has been sold, conditioned upon a water supply connection, and that unless he can effectuate a closing he will be exposed to a substantial economic loss.

As was pointed out in PCB 73-229, the Board's order in PCB 72-137 did not contain a "ban" on any future connections. The opinion in PCB 72-137 only pointed out that any future connections would result in a violation of the regulations on water quality and quantity. Thus the Petitioner's variance petition should be

construed as a variance petition to shield the Petitioner from prosecution.

Since Mr. Steck's house will in all probability not be occupied prior to mid-September, the Petitioners proposed single construction should not result in a burden to the supply system while denying the variance would place a substantial economic hardship upon the Petitioners; we grant the variance from the Water Supply Regulations to connect to the water system.

ORDER

The variance to connect a house located on Lot 9, Block 8, in McHenry Shores Unit #1 is granted.

IT IS SO ORDERED.

Mr. Odell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of September, 1973 by a vote of 3-0


Christan L. Moffett, Clerk
Illinois Pollution Control Board