

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1973

EDWARD F. LEKAN)
)
 v.) PCB 73-269
)
 ENVIRONMENTAL PROTECTION AGENCY)

James K. Jenks, Assistant Attorney General, on behalf of
Agency

ORDER OF THE BOARD (by Mr. Seaman)

The Petitioner, Edward F. Lekan, filed a petition for
variance which was received by the Environmental Protection
Agency (Agency) on July 3, 1973.

The Petitioner seeks relief from Order #7 of League of
Women Voters v. North Shore Sanitary District, PCB 70-7, 12,
13 and 14 (March 31, 1971), in order to obtain a sewer
connection permit for a proposed Dairy Queen restaurant to
be located in Lake County, in Waukegan, Illinois.

The Petitioner alleges that the property in question has
been purchased and leased to International Dairy Queen, Inc.,
which has in turn subleased the property to one Adam Schmidt.
Adam Schmidt, it is alleged, will operate the restaurant
to be built on the premises. The Agency, questions whether
Petitioner is the proper party to bring this matter before
the Board. The Petitioner has sold his interest in the property.
(see page 1 of petition for variance) The Agency further
questions whether Petitioner can properly assert the hardships
alleged in the petition for variance, since those hardships
are not shown to be personal to him.

We agree, Petitioner has no standing. Petition dismissed
without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify that the above Order was adopted
by the Board on the 13th day of September 1973 by a vote
of 4 to 0.

Christan L. Moffett