

ILLINOIS POLLUTION CONTROL BOARD
October 4, 1973

PLOCH IMPORT MOTORS, INC.,)
)
 Petitioner,)
) PCB 73-292
 vs.)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

Petitioner, Ploch Import Motors, Inc., filed a petition for variance which was received by the Environmental Protection Agency (Agency) on July 18, 1973.

Petitioner seeks relief from Order #7 of League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13, and 14 to allow the connection of a small office building to the Lake Bluff sewage system. The building is presently served by a septic system.

The Pollution Control Board (Board) on July 20, 1973, determined that the petition was inadequate. The Lake County Department of Public Health was requested to supply the Board a report as to the present state of the Ploch Import Motors, Inc. septic system and a recommendation as to disposition of this case by the Board. The report from Lake County was received by the Agency on August 3, 1973.

Agency investigations indicate that the proposed sewer connection would be tributary to the Clavey Road sewage treatment plant, which is owned and operated by the North Shore Sanitary District.

The report from the Lake County Health Department is not a complete response to the Board's request of July 19 since no recommendation was made as to the disposition of the case. The Health Department indicates that both the septic sewer pipe and the septic tank have recently been damaged.

There is, however, no showing of the cost of repair.

The Board has in other cases allowed variances where a health hazard exists and cannot be eliminated with reasonable costs. (See e.g. Miller v. Environmental Protection Agency, PCB 73-43; Clark v. Environmental Protection Agency, PCB 73-38; Winsor v. Environmental Protection Agency, PCB 71-334; and Bartell v. Environmental Protection Agency, PCB 72-382.)

The Agency believes that the present case is distinguishable from the above cited cases, in that the Petitioner has failed to show that a health hazard presently exists and that even if a health hazard did exist that it could not be easily eliminated.

We agree.

ORDER

IT IS THE ORDER of the Pollution Control Board that this petition be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 4th day of October, 1973, by a vote of 5 to 0.

Christan L. Moffett