

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1973

EUGENE THOMPSON, )  
 )  
 Petitioner, )  
 ) PCB 73-274  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On July 5, 1973, Petitioner, Eugene Thompson, the owner of certain land located in North Chicago, County of Lake, Illinois, filed his Petition for Variance. Petitioner requests a variance from Order No. 7 of League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14 to obtain a sewer connection for a single family dwelling tributary to the North Chicago Sewage Treatment Plant.

Petitioner alleges that he owns certain land in North Chicago upon which he intends to build a home. Petitioner is presently residing in a one-bedroom apartment with his wife and three-year-old child. Petitioner's sole argument is as follows:

This is not good for the child nor us. Living in an apartment puts limitations and pressures on all of us. Our child can't properly engage in the activities that are essential for normal growth and development. It is very hard to keep a child of that age from disturbing the other tenants. He can't play outside because, there is no yard for him to play in.

This is the substance of the one-page Petition, which is in many respects so deficient and incomplete that the Board cannot find sufficient allegations upon which a reasoned decision can be made. We must, therefore, dismiss the Petition without prejudice.

A variance from a sewer ban may be appropriate when a particular petitioner is experiencing extremely unfavorable living conditions with no viable alternative solutions. (McAdams v. Environmental Protection Agency, PCB 71-113, Pena v. Environmental Protection Agency, PCB 71-253). The McAdams family, consisting of four persons, resided in a one-bedroom apartment which the family had been asked to vacate. The Pena family lived in a small apartment which was subject to vandalism, flooding and rodent infestation.

Here, Petitioner has failed to allege the absence of viable alternative solutions. Petitioner is urged to familiarize himself with Rule 401 of the Procedural Rules of the Illinois Pollution Control Board and consider Marc Baron v. Environmental Protection Agency (PCB 73-195) and Bereskin v. Environmental Protection Agency (PCB 73-143), although Bereskin pertained to the Clavey Road sewage Treatment Plant.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that the Petition of Eugene Thompson be dismissed without prejudice.

Mr. Marder abstains.

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 20<sup>th</sup> day of September, 1973, by a vote of 4 to 0.

Christan L. Moffett