

The Agency opposes the granting of this variance, in the recommendation filed November 29, 1973. The Agency uses the same reasoning in this case as they did in Berkquist v. Environmental Protection Agency, PCB 73-412. The Agency alleges that until the Clavey Road treatment plant reaches its anticipated capacity of 18 MGD, no sewer permits should be granted. They fear that when the dry weather flow from the District's lakefront plants is diverted to Clavey, at a rate of 3 MGD, the Clavey plant will be forced to operate over its present rated capacity of 10 MGD.


CLAVEY ROAD SEWAGE TREATMENT PLANT
MONTHLY OPERATION REPORTS

<u>Month</u>	<u>Avg. Flow (MGD)</u>	<u>BOD (mg/l)</u>	<u>SS (mg/l)</u>
Jan/73	7.56	18	17
Feb/73	6.87	33	20
Mar/73	9.21	35	21
Apr/73	10.31	28	22
May/73	8.19	30	31
Jun/73	7.64	23	20
Jul/73	6.34	19	23
Aug/73	6.33	11	13
Sep/73	6.72	7	18
Oct/73	(flow data omitted)	12	27

Section 35 of the Environmental Protection Act allows the Board to grant a variance from one of its orders if the order imposes an arbitrary or unreasonable hardship. We feel that this is such a case. Taking into consideration Petitioners' financial plight along with the double living expenses and the schooling problems of their daughters, we feel that Petitioners have met their burden of proof, showing unreasonable hardship under our Board Order #7, League of Women Voters v. North Shore Sanitary District, PCB 70-7, 12, 13, 14.

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion was adopted on the 6th day of December, 1973 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board