ILLINOIS POLLUTION CONTROL BOARD October 31, 1972

NORTH SHORE S.	ANITARY D	DISTRICT)	
v.)))	#71-343
ENVIRONMENTAL	PROTECTI	ON AGENCY))	

Opinion & Order of the Board (by Mr. Currie):

The Capital Development Board of the State of Illinois petitions us for clarification of our order in this case entered March 2, 1972, 3 PCB 697, with respect to the ability to connect a new state facility for the mentally retarded to sewers in the North Shore Sanitary District without payment of a connection fee, which it is alleged would unreasonably interfere with the exercise of vital governmental functions. The motion must be denied.

The Capital Development Board was not a party to the case, and neither was anyone in whose shoes it stands in making this request. The Development Board therefore has no standing to ask for further proceedings in that case, which in any event is closed. Cf. Lake County Contractors Ass'n v. Pollution Control Board, N.E.2d (Ill. App. 2d Dist., ##71-114, 71-115, July 31, 1972) as to persons entitled to seek judicial review of Board decisions. Nor has proper service been made, as was conceded by the Development Board in presenting its motion at our October 31 meeting, on other parties to the proceeding. Moreover, "clarification" hardly seems the appropriate remedy, since our order of March 31, 1971, in League of Women Voters v. North Shore Sanitary District, #70-7, 1 PCB 369, 395 flatly requires the District to take all measures within its power to raise funds for needed treatment plant improvements by imposing, among other things, connection charges, because of serious money shortages alleged by the District. The proper remedy when a Board order imposes unreasonable hardship, as here alleged, is to petition for a variance. We cannot treat the present motion as a variance petition, for there is only the most conclusory allegation respecting hardship and other requirements of the procedural rules for the contents of variance petitions are not met. We are not prepared to say without proper allegations and proof that the State of Illinois is entitled to exemption from rules applicable to everybody else with respect to bearing one's fair share of the costs of indispensable municipal services.

The motion is hereby denied without prejudice to the filing of an appropriate variance petition.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 31st day of October, 1972, by a vote of

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