

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1972

JOHN & LUELLA WOJCIK)
)
)
 v.) # 71-350
)
)
 ENVIRONMENTAL PROTECTION AGENCY)

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

Mr. & Mrs. Wojcik filed a variance petition asking permission to connect a new home to the sewers in the North Shore Sanitary District, as is forbidden by our order of March 31, 1971, in League of Women Voters v. North Shore Sanitary District, # 70-7. We requested additional information, which was received in a letter dated December 14. On the Basis of the petition and supplemental letter we dismiss the petition on the ground that, even if all allegations were proved, the petitioners would not be entitled to the relief requested.

The allegations make clear that in the present case there is neither the hardship of those whose present living quarters are intolerable (see McAdams v. EPA, #71-113, August 13, 1971), nor that of those who began construction of their home before the date of the ban, as in Wachta v. EPA, #71-77 (August 5, 1971). The case is governed by such precedents as Monyek v. EPA, #71-80 (July 19, 1971), in which we held that in order to prevent increased pollution during the period of construction of the improved treatment facilities connection variances will not be allowed in the absence of particular hardship. The petition is hereby dismissed.

We note the pendency of a variance request by the District itself (#71-343), seeking partial relaxation of the connection ban in recognition of certain interim improvements in sewage treatment. If relief is granted in that proceeding, it may inure to the benefit of the petitioners in the present case.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 6th day of January, 1972 by vote of 4-0.

Christan L. Moffett