

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1973

FIELDS, GOLDMAN & MAGEE)
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 v.) PCB 73-219
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION AND ORDER OF THE BOARD (by Mr. Dumelle)

A petition for variance was filed on May 24, 1973 requesting "the construction but not the use of sanitary sewer extensions" for a 5-story 50 unit building for the elderly and 30 single family units in DuQuoin, Perry County, Illinois. It appears that the buildings in question are under construction but it is difficult to be certain about this. No hearing was held.

Fields, Goldman and Magee are "architects, planners and engineers" according to their letterhead but do not clearly identify their connection to this project.

On June 27, 1973 the Agency filed its recommendation requesting denial for many reasons. On July 16, 1972 the petitioner filed a "rebuttal to EPA recommendation" and provided more information but requested a variance "to connect and operate" the sanitary sewer extensions. On July 20, the Agency filed a letter requesting that no decision be made in the case until an amended recommendation can be filed in light of the change in the variance request. The Agency also avers that the July 16 petitioner's letter is in fact a new variance and that it should be so treated.

On August 3 the Agency prepared a "Supplement to Recommendation" which was filed August 9 (the date of this decision) and again recommended denial. It pointed out that the sewer on West Park Street is inadequate. It also questioned the capability of the City to control the strength of the waste flows from the DuQuoin Packing Company. On August 8 the Agency prepared a statement (also filed August 9) which recommends an "install only" variance conditional on sewer improvements in West Park Street. It also stated it could not evaluate at this time new contentions received from the DuQuoin Packing Company as to its lagoon operation.

The record in this case is most unsatisfactory. The record does not show the exact relationship of Fields, Goldman and Magee to the housing project. We do not know who will own the project, whether

it is the Local Housing Authority of the City of DuQuoin or the Perry County Housing Authority (both names appear in the petitioner's materials). We do not know the exact status of the housing construction--whether it is in fact under construction, how much it will cost and why it was started at all in the face of an Agency sewer ban. Questions about inadequate sewers and the DuQuoin Packing Company's operation still remain.

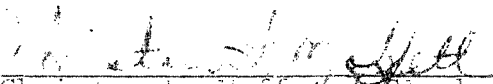
We feel the best course is to dismiss the instant case without prejudice as being inadequate. The petitioner can refile and provide more adequate information in a new proceeding.

ORDER

The variance petition is dismissed without prejudice as being inadequate.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9th day of August, 1973 by a vote of 3-0



Christan L. Moffett, Clerk
Illinois Pollution Control Board