

ILLINOIS POLLUTION CONTROL BOARD
January 17, 1974

M. R. SMITH,)
)
 vs.) PCB 73-138
)
 ENVIRONMENTAL PROTECTION AGENCY)

GUY VITI,)
)
 vs.) PCB 73-453
)
 ENVIRONMENTAL PROTECTION AGENCY)

LEO H. ANDERSON,)
)
 vs.) PCB 73-455
)
 ENVIRONMENTAL PROTECTION AGENCY)

HENRY L. & CAROL LOUISE A. KOHN,)
)
 vs.) PCB 73-473
)
 ENVIRONMENTAL PROTECTION AGENCY)

ARTHUR M. GOEBELT,)
)
 vs.) PCB 73-476
)
 ENVIRONMENTAL PROTECTION AGENCY)

KENNETH P. SCHACK,)
)
 vs.) PCB 73-479
)
 ENVIRONMENTAL PROTECTION AGENCY)

EARNEST BRAM,)
)
 vs.) PCB 73-524
)
 ENVIRONMENTAL PROTECTION AGENCY)

MICHAEL BRENNER,)
)
 vs.) PCB 73-526
)
 ENVIRONMENTAL PROTECTION AGENCY)

ELVERA BAKER FITZGERALD,)
)
 vs.) PCB 74-7
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

Each of the above-captioned causes has been examined in the light of our recent Opinion and Order in North Shore Sanitary District v. Environmental Protection Agency (PCB 73-134), decided on January 10, 1973, wherein we granted the District permission to issue 2,000 permits (8000 P.E.) authorizing connection to its Clavey Road Plant, subject to certain conditions.

All of the subject causes are petitions for variance from our Order in League of Women Voters, et al. v. North Shore Sanitary District, PCB 70-7, 12, 13 and 14 wherein the District was prohibited from issuing permits for additions to present sewer connections, or new sewer connections, to its facilities. It is apparent, therefore, that the causes have been rendered moot, since the basis of each petition is that permits for sewer connections are unavailable. Petitioners in the subject causes are urged to file, with the North Shore Sanitary District, application for permit to connect as soon as possible.

We note that PCB 73-134 would not foreclose a petitioner from requesting a variance to complete connection prior to July 1, 1974, based on a showing of arbitrary or unreasonable hardship and urgency, since our Order in PCB 73-134 specifically states that connections permitted thereunder shall not be made prior to July 1, 1974.

In our examination of the subject causes, we have given special attention to an analysis of any facts alleged which might justify the grant of a variance due to extreme urgency. The above captioned causes are those in which such urgency was not found.

Petitioners are advised, however, that if they feel their particular circumstances justify a variance to permit immediate connection (prior to July 1, 1974) they may again petition this Board for variance, setting forth those special circumstances.

Each of the above-captioned causes is, hereby dismissed as moot, without prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois
Pollution Control Board, certify that the above
Opinion and Order was adopted on this 17th day
of January, 1974 by a vote of 5-0.

Christan L. Moffett