



There is here no allegation that permits have been sought and denied, or that the apartments are tributary to overloaded sewers that are exempt from the #71-343 variance. There is only the allegation that a hypothetical refusal of a permit by the Agency would cause unreasonable hardship. In view of the relaxation of the ban in #71-343, without an allegation that there has been such a refusal there is no indication that a variance is needed. The petition is therefore dismissed for failure to allege facts sufficient, if proved, to justify the relief sought. See, e.g., Chesterfield Development Corp. v. EPA, #71-378 (March 2, 1972).

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion & Order this 22nd. day of August, 1972, by a vote of 5-0.

*Christan Moffett*