

ILLINOIS POLLUTION CONTROL BOARD

March 21, 1974

FRANK R. VENA,)
)
 Petitioner,)
)
 v.) PCB 73-552
)
 ENVIRONMENTAL PROTECTION AGENCY)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Frank R. Vena filed a Petition for Variance seeking relief from Order No. 7 of League of Women Voters vs. NSSD, PCB 70-7, 12, 13 and 14 to allow a sewer connection for a recently constructed addition to his warehouse at 1542-1544 Old Skokie Blvd. in Highland Park, Illinois. The proposed connection would be tributary to the Clavey Road Sewage Treatment Plant owned and operated by the North Shore Sanitary District.

In NSSD v. EPA (PCB 73-134) we granted the District permission to issue 2,000 permits (8,000 population equivalence) authorizing connection to its Clavey Road Plant after July 1, 1974. In view of that, and the possibility that Petitioner could obtain a conditional occupancy permit from the City of Highland prior to actual sewer connection, the Agency recommends that the variance be dismissed as moot or denied outright.

Vena claims that denial of the variance would force him to repay an \$80,000 construction loan without being able to use the additional warehouse space required to generate the revenue to repay the loan. Such action, according to Vena, would be unreasonable and arbitrary and could cause "substantial economic harm". A small portion of the new addition has been allocated for use as an office. At present, Vena is unable to use the additional warehouse space because the City of Highland Park will not issue an occupancy permit for the new addition until such time as sewer connections have been made. The NSSD notified Vena on November 16, 1973 that a permit for sewer connection could not be granted because of the Board's sewer ban on the District.

We shall grant this variance and allow Vena to connect the new addition to the sewer line immediately. We note that Vena must purchase his supplies in large quantities. To deny him the use of the additional warehouse space for storage of the supplies could jeopardize Vena's ability to generate revenue required to meet his obligations. We believe the quantity of effluent from the warehouse will be minimal and of no significant impact on the Clavey Road plant. The Vena warehouse connection will come only 4 months earlier than the July 1, 1974 connection date allowed in our January 10, 1974 Order in NSSD vs. EPA, PCB 73-134. After July 1, 1974 the NSSD will issue permits for such connections without the need to first obtain individual variances.

ORDER

It is the Order of the Pollution Control Board that Frank R. Vena is granted a variance from Order No. 7 of League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13 and 14 in order to allow a sewer connection for sanitary facilities in a newly constructed addition to the Vena warehouse in Highland Park, Illinois. The North Shore Sanitary District shall count the permit issued for this connection as one of the 2,000 permits allowed in PCB 73-134.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order was adopted this 21st day of March, 1974 by a vote of 5 to 0.


