

ILLINOIS POLLUTION CONTROL BOARD  
April 12, 1973

MR. AND MRS. JOHN OPITZ )

v. )

PCB 73-17 )

ENVIRONMENTAL PROTECTION AGENCY )

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

A petition was received to connect an existing residence at 3224 Cornell in Waukegan to an overloaded sewer to which connections are now banned by the Board.

The Board in an order dated January 23, 1973 requested additional information which was supplied on February 8, 1973. The petitioner states that the septic tanks are inadequate and that sufficient land is not available at the site to install a large enough tank and septic field.

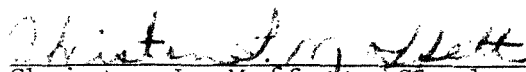
On March 8 the Board asked for an Agency response within 30 days and declared its intention to decide the case without hearing.

The Agency response did not arrive within the 30 days (April 8) but came in on April 13, one day after the decision was made by the Board. The Board grants the variance in line with its policy expressed in many previous cases to eliminate inadequate septic tanks wherever possible to avoid health hazards to the public. The Agency's recommendation was for denial or dismissal and is of interest but was filed 5 days after its due date and was not considered in this proceeding.

The variance is granted.

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 12<sup>th</sup> day of April, 1973 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board