

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1972

DANTE A. GRECO)
)
 v.) PCB 72-193
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION OF THE BOARD (by Mr. Kissel):

On May 2, 1972, Dante Greco filed a variance petition on behalf of his mother seeking permission to connect a new single family residence to an existing sewer line tributary to the North Shore Sanitary District plant at Park Avenue in Highland Park. Said plant is presently subject to a sewer connection ban imposed by the Board on March 31, 1971.

Petitioner's mother seeks to build a small home which she alone will occupy on a lot where a building was previously located but has since burned to the ground. Mrs. Greco is presently living with relatives in the North Shore Sanitary District.

We have previously held that a sewer connection permit may be issued when the new source replaces an existing source and does not result in a net increase in the organic or hydraulic load to a given sewer or treatment facility. See Harris v. Environmental Protection Agency, PCB 72-233, decided June 14, 1972; State National Bank of Evanston v. Environmental Protection Agency, PCB 72-176, decided May 10, 1972. The present case falls within that holding since Mrs. Greco is presently a resident of the District and plans to build on a lot previously occupied by a building. Mrs. Greco has expressed her willingness to sign a statement not to sell, convey or rent the premises to any other party until the lake interceptor has been completed in November, 1973. Such a statement should also assure that Mrs. Greco will not allow any other party to reside there on a permanent basis until the completion of the lake interceptor. The variance will be conditioned upon the submission of such a statement by Mrs. Greco within 20 days after the receipt of this Order.

The Agency has asked that Mrs. Greco post a performance bond to assure her compliance with the conditions of the variance. We do not think that such a bond is necessary in this case. Any violation of this Board Order granting the variance constitutes a violation of the Act for which appropriate sanctions may be sought.

The variance is hereby granted, subject to the conditions as described above.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 30th day of June, 1972, by a vote of 5-0.

Christan L. Moffett