

ILLINOIS POLLUTION CONTROL BOARD  
February 14, 1973

ROBERT S. STECK )  
 )  
 ) #72-452  
 v. )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Petition was filed requesting relief from the water connection prohibitions contained in our June 29, 1972 Order in Case #72-137 prohibiting any further connections to facilities of the McHenry Shores Water Company. Petitioner, on April 15, 1972, had made application for a building permit to the Village of McHenry Shores, which permit was issued on July 8, 1972. Construction commenced in reliance on the building permit, and without awareness of our prohibition order.

Petitioner represents that he has invested in excess of \$30,000 in the construction of the building and that he has secured a buyer but is unable to convey the premises unless a water permit is granted. The Agency recommendation states that the proposed connection will cause a minimal decrease in water pressure and will have no effect on present water quality. The Agency recommends that the permit be granted, but that any fees, costs or charges accruing to McHenry Shores Water Company be retained in escrow until such time as McHenry Shores Water Company complies with our Order entered in #72-137. Since McHenry Shores Water Company is not a party to this proceeding, we do not believe that such an order would be appropriate and might impede petitioner's ability to connect.

We grant the variance as requested without the conditions proposed by the Agency.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that petitioner, Robert S. Steck, be granted a variance from our Order of June 29, 1972 in Case #71-237, to enable connection of petitioner's home to facilities of the McHenry Shores Water Company.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 14<sup>th</sup> day of February, 1973, by a vote of 3 to 0.

