

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1972

PATRICIA DEVELOPMENT CORP. )  
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 )  
 v. ) PCB 71-161  
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 ENVIRONMENTAL PROTECTION AGENCY )

Supplementary Opinion of the Board (by Mr. Currie):

On September 16, 1971, we entered an order in the above-captioned case partially granting petitioner a variance "to permit the connection of eighteen homes that were under contract before March 31, 1971, to sewers tributary to treatment plants in the North Shore Sanitary District, as described in the record." Petitioner had requested permission to connect a total of 23 homes but our order related only to those 5 homes which were under construction at the time the sewer ban was imposed in the North Shore Sanitary District and to an additional 13 homes for which the buyers had already obtained either firm or conditional financing commitments.

By two letters dated January 21, 1972, Petitioner requests clarification of our order with respect to Buyers #8 and 21, James Scott and Willa Mae Williams, as listed on Master Schedule A, attached to and made a part of the petition for variance.

Buyer #8, Mr. Scott, entered into a construction agreement with Petitioner on January 8, 1971, and obtained a firm commitment on April 1, 1971 (Pet. Ex. 8). His is therefore one of the eighteen homes for which the variance was expressly granted.

On the other hand, Buyer #21, Willa Mae Williams, did not enter into a contract to purchase the home until after March 31, 1971 (R. 189), and therefore is not permitted to connect to sewers tributary to the North Shore Sanitary District under our order of September 16, 1971.

We note that the Board has partially lifted the North Shore Sanitary District sewer ban by granting the District a variance to connect 1,000 new living units to the Waukegan or Highland Park Clavey Road sewer system. North Shore Sanitary District v. EPA, PCB 71-343, January 31, 1971. Under paragraph 5(b) of our order therein, Willa Mae Williams may be entitled to a preference from the District in their allocation of the allotment covered

by the variance. Her proper remedy at this point would therefore appear to be an application to the District for permission to connect her home pursuant to the Board's order of January 31, 1971.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Supplementary Opinion this 3rd day of February, 1972 by a vote of 5-0.

Christan Moffett  
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