

ILLINOIS POLLUTION CONTROL BOARD
June 14, 1972

THEODORE HARRIS)
)
) #72-233
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

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

Applicant has purchased a two-bedroom house located in North Chicago, which he proposes to demolish and erect a three-bedroom house on the property for his family, consisting of petitioner, his wife and two children. The property is already serviced by a sewer of the North Shore Sanitary District. Application was made to the Acting General Manager of the North Shore Sanitary District who, while indicating his approval of the connection, advised petitioner to seek a variance before this Board in view of the sewer ban order entered in League of Women Voters v. North Shore Sanitary District, #70-7, dated March 31, 1971.

In case entitled State National Bank of Evanston v. Environmental Protection Agency, #72-176, dated May 10, 1972, we held that where the sewer load from the new construction will produce no increase over that generated by the demolished structures, the permit should be granted. As in that case, we construe our existing sewer ban order as not to forbid connections that replace existing sources and that do not result in a net increase in the organic or hydraulic load to a given sewer or treatment facility. Pursuant to this construction, no variance is necessary. Permit may be issued on the facts if the above-stated requisites are satisfied. The District is not foreclosed from determining that in any given case, the replacement load might create such a severe pollution problem as to justify denial of a permit. However, it is capable of doing this irrespective of our connection ban order. Cf. Adams, Jr., et al v. Environmental Protection Agency, #72-121, May 17, 1972. Accordingly, the petition for variance is dismissed as moot.

IT IS SO ORDERED.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the above Opinion and Order was adopted on the 14th day of June, 1972, by a vote of 4 to 0.

Christan Moffett