

ILLINOIS POLLUTION CONTROL BOARD
October 25, 1973

MISS MABEL HOLLE)
PETITIONER)
)
)
 v.) PCB 73-319
)
)
 ENVIRONMENTAL PROTECTION AGENCY)
 RESPONDENT)
)

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

This action involves a variance request. Relief is sought from Order #7 of League of Women Voters vs. North Shore Sanitary District, PCB 70-7, 12, 13, 14. Grant of this variance would allow a sewer hookup for a lot in Lake County.

A similar petition was filed by Miss Holle's sister on May 7, 1973 (PCB 73-188). The Board on July 2, 1973, denied this petition without prejudice. The identical issues are raised in this action that were raised in PCB 73-188. The only difference is that the Petitioner is the landowner rather than the intended purchaser. The Agency contends that Miss Holle is an improper petitioner in this action. This contention is certainly open to dispute; however, in this case Miss Holle is clearly pleading her sister's hardship rather than her own. The only contention of hardship on the Petitioner's part is that she has incurred normal costs as part of owning land. The land was owned by Petitioner for over ten years, and there is no evidence entered as to whether Petitioner had ever tried to dispose of this land.

In the Board's decision regarding PCB 73-188, certain questions were raised. Because of the lack of answers to these questions, the petition was denied without prejudice. This opinion stated that the original Petitioner (Mrs. Patrick) could file a new petition detailing certain points. A new petition should contain information on the following points:

- 1) The possibility of obtaining Social Security payments for minor children
- 2) The rental structure in the area and avail-

- ability of a lower-rent apartment.
- 3) Petitioner's financial ability or inability to:
- a) Purchase an existing home.
 - b) Continue to rent her present apartment.

The decision to impose a sewer ban on the North Shore Sanitary District was not made lightly. Testimony elicited at the time clearly showed a serious condition existed, and that Lake Michigan was in danger of being irreparably damaged due to the discharge of raw sewage. It was recognized at the time that this ban would impose hardship on the residents of the affected areas, but non-action would have imposed a much greater hardship on a much greater number of people.

On October 25, 1973, the Board received a report from the Environmental Protection Agency regarding the present status of the sewage treatment plants in question. This data indicates that many of the plants in the North Shore Sanitary District are upgraded sufficiently to allow the Board to somewhat relax the still-in-effect sewer ban. Although the instant case leaves a few points unanswered, it is the Board's opinion that a hardship case is evident. A variance will be granted in light of said hardship.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that a variance be granted to Miss Mabel Holle to connect a single-family residence to the North Shore Sanitary District's sewer system. It is to be understood that this variance shall apply to a single family residence in the name of Miss Mabel Holle or Mrs. Patricia Patrick.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 25th day of October, 1973, by a vote of 5 to 0.

