

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1972

KENNETH P. ZELEN)
)
) Petitioner,)
)
) v.) PCB 72-445
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

PRELIMINARY ORDER OF THE BOARD (by Mr. Parker):

By letter to the Board dated November 1, 1972, and received by the Board on November 10, 1972, Petitioner seeks a variance from the Waukegan sewer ban.

The letter petition as filed fails to comply with our Procedural Rule 401. For example, the petition does not state when the lot was purchased, whether any construction has begun and if so when, whether the "house...built across the street in the banned area" received sewer connection rights and if so, when and under what circumstances. Neither does the petition specify what facts underlie the statement that "the E.P.A. pulled the permits on the north west side of Waukegan". The Board will require more information as to the asserted hardship in order to assess the adequacy of the petition. Petitioner's attention is drawn to recent Board decisions involving assertions of hardship as justification for an exception to the sewer ban (eg. see Cinnamon Creek Associates vs. E.P.A., PCB 72-377, decision dated October 3, 1972, and Bender vs. E.P.A., PCB 72-324, decision also dated October 3, 1972).

The Petitioner is hereby ordered to file an amended petition with the Board on or before December 14, 1972, the amended petition to contain additional information consistent with the requirements of our Procedural Rule 401, and the amended petition also to include a statement by Petitioner that the 90 day period provided for in Title 9, Section 38 of the Environmental Protection Act shall commence as of the date of filing of the amended petition.

In the absence of the filing of an amended petition on or before December 14, 1972, the original petition shall be subject to dismissal.

I, Christan L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Order on this 21st day of November, 1972, by a vote of 5 to 0.

Christan L. Moffett