

ILLINOIS POLLUTION CONTROL BOARD
August 23, 1973

GLENN E. MILLIKIN,)
)
) Petitioner,)
)
) v.) PCB 73-354
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Seaman):

This is a Petition for Variance filed by Glenn E. Millikin (Petitioner) to construct a restaurant in the Ramona Place Sbudivision, Godfrey Township, Madison County, Illinois. Petitioner acquired title to the property in 1938.

The premises in question are presently improved with a small dwelling thereon. The property is connected to the Godfrey Sewer System by means of a ten inch (10") sewer line. Said sewer line has been on the premises and has been connected to the Godfrey Sewage System for approximately thirty (30) years. The owner of record of the property has an opportunity to sell the real estate in question to a developer who will construct a restaurant on the real estate. The present improvement on the premises will be demolished. The new building to be constructed will be of modern design and will utilize the existing ten inch (10") sewer line.

The Board in Godfrey Township Utility Board v. Environmental Protection Agency, PCB72-68 (June 27, 1972), held that a Sanitary Water Board letter dated September 24, 1969 did not impose a flat ban on additional connections to existing sewers. The Opinion read "that letter stated that permits would be required for larger construction and requested -- rather than ordered -- that connections to existing sewers be limited". No ban, as such, on sewer connections has been imposed by the Agency; therefore, no action on the part of the Agency or the Board could change Petitioner's plight. It is to the Godfrey Township Utility Board that Petitioner must seek relief.

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

ORDER

We find that the Petition for Variance must be denied as moot and without prejudice.

I, Cristan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 30th day of August, 1973, by a vote of 3 to 0.

Cristan L. Moffett