

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1972

NILES TERRACE, INC. )  
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 )  
 v. ) #72-32  
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 ENVIRONMENTAL PROTECTION AGENCY )

Opinion and Order of the Board (by Mr. Currie):

This is the second petition by Niles seeking a variance to allow connection of as-yet unbuilt homes to an overloaded plant of the North Shore Sanitary District. We dismissed the first one on the ground that, even if all the allegations were proved, no variance could be granted. #71-280 (Sept. 27, 1971). The second petition goes into more detail, but still reveals that the case is essentially similar to Wachta & Mota v. EPA, #71-77 (August 5, 1971), in which we denied the variance as to homes whose construction had not begun on the date of the sewer ban order. The homes here are in that same situation. Moreover, they do not qualify for special treatment under the poverty criterion of Patricia Development, Inc. v. EPA, # 71-161 (September 16, 1971), insofar as the petition indicates. On the basis of precedent the petition is dismissed.

I, Chirstan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board this 3<sup>rd</sup> day of February, 1972 by vote of 5-0.

