

ILLINOIS POLLUTION CONTROL BOARD  
August 13, 1971

DAVID S. McADAMS )  
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 v. ) # PCB71-113  
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 ENVIRONMENTAL PROTECTION AGENCY )

David S. McAdams, pro se.  
Delbert Haschemeyer, for the Environmental Protection Agency

Opinion of the Board (by Mr. Currie):

The petitioner seeks a variance to permit the connection of a proposed single-family dwelling to a sewer in Gurnee tributary to the overloaded Clavey Road sewage treatment plant of the North Shore Sanitary District. Such connections were forbidden by our order of March 31, 1971, in League of Women Voters v. North Shore Sanitary District, #70-7. After hearing we granted this variance August 5, 1971, and this opinion gives our reasons.

In previous cases the Board has divided as to the degree of reliance upon the ability to use the sewers necessary to justify a variance. See, e.g., Wachta v. EPA, #71-77 (Aug. 5, 1971). But the principal hardship in the present case is of another variety. This family of four including two small children (R. 9) resides in an apartment with one twelve-by-fourteen bedroom (R. 20), which the family has been asked to vacate (R. 12; letter attached to petition). The family income is quite modest (R. 32). Mr. McAdams testified that he had been unable to find suitable accommodations at a reasonable price (R. 25), having insufficient money to rent a house or a large enough apartment (R. 37). He has, however, qualified for federal mortgage assistance under an FHA program that will make it possible for him to construct a satisfactory new home (R. 12, 31). To deny the variance would at best postpone Mr. McAdams's ability to move into suitable accommodations; at worst he might lose his eligibility for mortgage assistance altogether (R. 31, 37).

This is a far cry from the comfortable family that must wait two or three years for its dream house because of the sewer ban. This is a family that may have no place to live if the variance is denied. The additional pollution that variances in extreme cases like this will cause will probably be small, for such cases are likely to be rather rare; and it must be borne because the hardship of denial is too great.

This opinion constitutes the Board's findings of fact and conclusions of law.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 13<sup>th</sup> day of August, 1971.

  
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