

ILLINOIS POLLUTION CONTROL BOARD

August 13, 1971

RICHARD S. TAUBER )

v. )

ENVIRONMENTAL PROTECTION AGENCY )

PCB 71-171

Opinion of the Board (By Mr. Aldrich):

On March 31, 1971, the Board entered an Order in the case of League of Women Voters of Illinois et al. v. North Shore Sanitary District, PCB 70-7, 70-12, 70-13, and 70-14, prohibiting any new sewer connections to facilities operated by the North Shore Sanitary District until adequate treatment is achieved. Petitioner seeks a variance from that ruling in order to connect two existing dwellings to the District's sewer lines.

The houses are presently vacant because the Lake County Health Department has found the septic systems to be inadequate and a hazard to public health. Petitioner states that the lots are too small to accomodate a modern septic system and that the well on one of the lots is unlawfully close to the septic system. Thus alternative means of sewage treatment are unavailable. Furthermore, the vacant dwellings are prey to vermin and vandals. Unless the variance is granted, the houses cannot be occupied for income production or for protection of the properties.

The effect on the environment if the variance is granted is not described in the petition. Nevertheless, we judge the potential harm from the additional wastes to be minimal in comparison with the hardship accruing to petitioner should his request be denied. We will therefore grant the variance.

The variance is hereby granted subject to receipt of an affidavit verifying the statements in the petition. This Opinion constitutes the Board's findings of fact and conclusions of law.

I concur

Samuel R. Aldrich  
Richard S. Tauber  
Jacob J. Samelle  
Paul R. ...

I dissent

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

Regina E. Ryan