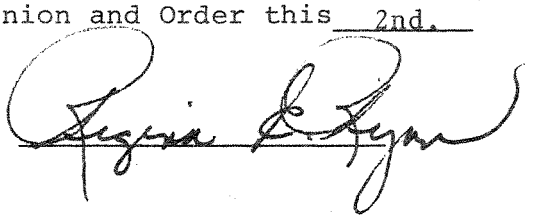
ILLINOIS POLLUTION CONTROL BOARD
September 2, 1971

CHARLES M. HUGHES et al.	)	
	)	
	)	
v.	)	# PCB 71-151
	)	
	)	
ENVIRONMENTAL PROTECTION AGENCY	)	

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

This petition seeks a variance from our ban on new sewer connections to overloaded sewage treatment plants in the North Shore Sanitary District. As in Dole Construction Co. v. EPA, # 71-126, (August 13, 1971), we scheduled a hearing to determine the facts, but the petitioners did not appear at the hearing. As in the Dole case, we are left with neither proof that compliance would create an arbitrary or unreasonable hardship nor any indication that the variance is still desired. We therefore dismiss the petition for want of prosecution, without prejudice to the filing of a new petition in the event the parties wish this matter to be pursued. We add for future guidance of the parties that in prior cases we have held the purchase of plans for a home not under construction at the time of the sewer ban is insufficient hardship to justify a variance. E.g., Wagnon v. EPA, # 71-85 (July 26, 1971).

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

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 2nd. day of September, 1971.