



alternative quarters and increasing the hardship that they would suffer if denied their new homes now. As to all these eighteen homes we believe ample hardship has been shown to justify a variance under the principles of our decision in *McAdams v. EPA*, #71-113 (August 13, 1971), in which the petitioner had made his commitment and had no place else to go. We note that in cases not involving such extreme social hardship we have insisted on even greater activity in reliance on the ability to connect, such as the commencement of construction. E.g., *Wagnon v. EPA*, # 71-85 (July 19, 1971).

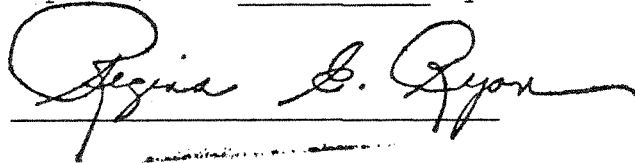
The remaining five homes, however, not only were not under construction at the date of the ban, but no contracts for their construction had been entered into; anything done toward their construction was undertaken after the ban was imposed. Much as we sympathize with the people who would greatly benefit if they could build these homes, we believe the line must be drawn somewhere to avoid open-ended increases in the pollution of Lake Michigan. Persons not committed at the time of the sewer connection ban were on notice that they must look elsewhere to build new homes. Though homes within the District may be more convenient for these people, we think some consideration must be given to locating new homes in areas where there are adequate sewage treatment facilities. In light of the possibility of constructing comparable homes with similar federal assistance elsewhere, we cannot open the door to the building of new homes even for the needy where the contract to build was not signed at the date of the ban.

We note that in granting this variance in part we are authorizing the discharge of additional inadequately treated sewage to Lake Michigan, a body that ought to be given very special protection against degradation because of its incomparable recreational and other values. While many of the potential new homeowners in this case are already living in the District, this does not mean there will be no increase in discharges; for, as shown by the first quotation above, the quarters they now occupy will in most cases at least be taken over by others. Nor is it persuasive that Illinois contributes only a relatively small percentage of the total discharge to the lake. That other states too have a good way to go does not justify our failure to do whatever we can, and the evidence is overwhelming that Illinois sources are at least a principal cause of the closing of the beaches in Lake County. It is because of the gravity of our problem with Lake Michigan that we insist on a very substantial showing of hardship before granting any permission for new sewer connections. The present condition of the Lake is deplorable; we must make it a firm policy to keep it from getting worse before it gets better, in the absence of the most extreme hardships, as have been shown with regard to 18 homes in the present case.

ORDER

The petition for variance is hereby granted in part, to permit the connection of eighteen homes that were under contract before March 31, 1971, to sewers tributary to treatment plants in the North Shore Sanitary District, as described in the record. In other respects the petition is denied.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion this 16 day of September, 1971.

A handwritten signature in cursive script, reading "Regina E. Ryan", is written over a horizontal line. The signature is fluid and somewhat stylized, with a large initial 'R'.