ILLINOIS POLLUTION CONTROL BOARD
May 11, 1978

| | | |
|---|---|---|
| ORLAND TRAILS CONSTRUCTION COMPANY, Petitioner, | ) | |
| v. | ) | PCB 78-25 |
| ENVIRONMENTAL PROTECTION AGENCY, Respondent. | ) | |

DISSENTING OPINION (by Mr. Young):

I do not believe that the Petitioner is entitled to the variance granted by the Board.

The hardship alleged by the Petitioner is entirely self-imposed; the record in Derby Meadows Utility Company, et al v. EPA, PCB 77-153, and in this case, clearly indicate to me that although the Petitioner was fully aware of the status of the treatment works, he elected to continue to construct and sell homes. Nor do I believe that the alleged hardship to the buyers of the homes was proven. To the contrary it appears from the record that all buyers had been offered a release from their contracts to purchase in Orland Trails and had declined to do so.

There are many areas of the State which are or have been subject to sewer connection bans for extended periods of time pending construction of expanded or upgraded treatment works or collection systems. The sewer connection restrictions imposed on the area served by the North Shore Sanitary District, for example, have been in effect since the March 31, 1971, Order of the Board in League of Women Voters of Illinois, et al v. North Shore Sanitary District, PCB 70-7, consolidated, 1 PCB 369.

In Derby Meadows, connections to the treatment works were limited to 750 homes, the permitted capacity of the plant. Until the required permits for expansion and operation of the plant at 0.6 MGD are issued, no additional connections should have been allowed.

James L. Young

James L. Young

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted to me on the 23RD day of May, 1978.

Christan L. Moffett

Christan L. Moffett, Clerk
Illinois Pollution Control Board