

ILLINOIS POLLUTION CONTROL BOARD  
December 19, 1980

UNITY VENTURES, )  
)  
Petitioner, )  
)  
v. ) PCB 80-175  
)  
ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY and COUNTY OF DUPAGE, )  
)  
Respondents. )

ORDER OF THE BOARD (by I. Goodman):

Petitioner's motion for reconsideration is granted. Upon reconsideration, the Board affirms its Order of October 30, 1980 dismissing this petition for variance from Rule 963(a) of Chapter 3: Water Pollution.

The relief is requested in order to allow the Agency to extend Petitioner's construction and connection permit issued on January 31, 1979 (Petition, p.5) for 3-5 years (Petition, p.9).

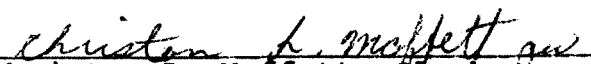
The Board found the requested relief to be prospective in nature because Petitioner did not allege that it would be involved in construction activity after January 31, 1981. Petitioner alleged, generally, uncertainty as to whether it might construct the sewers at all, citing the litigation surrounding the Lisle-Woodridge Sewage Treatment Plant and the lack of demand for the Unit 2 housing, the construction status of which is not alleged. Under the Board's Procedural Rule 401(b), promulgated pursuant to §35 of the Illinois Environmental Protection Act, the petition lacked a sufficient allegation of hardship.

Petitioner may refile its petition correcting the deficiencies noted by the Board orders herein.

Mr. Werner and Mr. Dumelle dissent.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19<sup>th</sup> day of December, 1980 by a vote of 3-2.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board