

ILLINOIS POLLUTION CONTROL BOARD  
August 5, 1976

FIRST NATIONAL BANK OF SPRINGFIELD, )  
Trustee of Trust No. 3010 )  
 )  
Petitioner, )  
 )  
 )  
v. ) PCB 74-298  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

ORDER OF THE BOARD (by Mr. Dumelle):

This matter comes before the Pollution Control Board (Board) upon the decision of the Fourth District Appellate Court of Illinois reversing the Board's Opinion and Order of December 19, 1974 in the above-cited case and remanding the case back to the Board.

The instant matter involved a variance petition filed by the First National Bank of Springfield seeking relief from an Environmental Protection Agency (Agency) sewer ban on Springfield Sanitary District sewers. The facts of the case were thoroughly outlined in the Board's original opinion (14 PCB 723) and will not be reiterated here. The Board denied without prejudice Petitioner's request for variance.

On appeal, however, the Fourth District Appellate Court found that the Board's denial of the variance by reason of hardship was arbitrary and unreasonable. Based upon the Court's decision, the Board now finds that denial of the requested variance would impose an arbitrary and unreasonable hardship upon Petitioner.

Petitioner is, therefore, granted variance from the Agency-imposed sewer ban on connections to the Springfield Sanitary District sewers to allow connection of four apartment units known as Westbrook Phase II to the Springfield Sanitary District sewer system.

IT IS SO ORDERED.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above the Order was adopted on the 5<sup>th</sup> day of August, 1976 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board