

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1971

G.L. MILLER MOTOR SALES, INC.)
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 v.)
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ENVIRONMENTAL PROTECTION AGENCY)

71-260

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

This petition seeks a variance from our order forbidding new connections to overloaded sewage treatment facilities in the North Shore Sanitary District. The petitioner began construction of a new automobile sales facility after the date of our connection ban order. We requested clarification, and the amended petition shows that this case falls squarely within the precedent of Scott Volkswagen, Inc. v. EPA, # 71-112 (August 13, 1971), in which on the basis of facts similar to those here alleged the request was denied. Even if all the facts here alleged are true, therefore, the petitioner is not entitled to a variance, and a hearing would serve no purpose. The question whether some connections should be permitted now because of improvements allegedly made by the Sanitary District is to be explored in the pending variance case filed by the District, # 71-343.

The petition is dismissed.

I, Christan Moffett, Acting Clerk of the Pollution Control Board, certify that the above Opinion and Order of the Board was adopted the 23 day of November, 1971.

Christan Moffett