

ILLINOIS POLLUTION CONTROL BOARD
December 13, 1971

ZBIGNIEW CIANCIARA)
)
)
 v.) # 71-276
)
)
 ENVIRONMENTAL PROTECTION AGENCY)

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

Mr. Cianciara plans to build a new house on a lot purchased a year and a half ago in Highland Park, and he seeks a variance to permit connection to a sewer serving the overloaded Clavey Road sewage treatment plant despite our order of March 31, 1971 (League of Women Voters v. North Shore Sanitary District, # 70-7). Under our precedents the variance must be denied.

We have granted variances in cases of special hardship, such as when construction was begun before the entry of our order (e.g., Wachta v. EPA, # 70-77, July 12, 1971), or when the petitioner has no satisfactory alternative place to live, as in Patricia Development Corp. v. EPA, # 71-161 (Sept. 16, 1971). Neither of these conditions is present here. Mr. Cianciara's present living conditions are not inferior, and he has not taken steps in reliance upon his ability to connect to the sewers beyond the purchase of a lot and the initial drawings of his own design for the home. We have held such steps insufficient to justify what will result in additional discharges of inadequately treated sewage. E.g., Monyek v. EPA, # 71-80, July 19, 1971. We do not find it sufficient that if the variance is denied Mr. Cianciara may find it desirable to build a septic tank and to cut down several large oak trees to do so. We regret the loss of the trees, but the additional option makes the hardship less rather than more, and we have denied variances in comparable cases even though septic tanks were not practicable. If Mr. Cianciara wishes to preserve the trees he has the option of postponing the new home until there is capacity in the treatment plant to accept the wastes.

We note in this connection the pendency of a variance request by the District itself, # 71-343, in which a general relaxation of the ban is sought on the ground of alleged improvements in treatment. If the Board acts favorably on that request, there may be room for Mr. Cianciara within a month or two at Clavey Road. The variance is hereby denied.

I, Christan Moffett, Acting Clerk of the Pollution Control Board certify that the Board adopted the above Opinion and Order of the Board this 13 day of December, 1971.

Christan J. Moffett