

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1972

CONGREGATION AM ECHOD)
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 v.) # 72-202
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 ENVIRONMENTAL PROTECTION AGENCY)

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

We dismissed an earlier petition by this applicant seeking a variance to connect to a Waukegan sewer on the ground that our order of March 2 (North Shore Sanitary District v. EPA, #71-343) has mooted the issue by permitting additional connections because of treatment plant improvements. Congregation Am Echod v. EPA, #72-11 (April 4, 1972). The present petition alleges that a variance remains necessary because, despite improvements in the treatment plant, the sewer transporting the wastes to the plant is itself overloaded. The Agency recommends that the petition be granted because of hardship but confirms that the sewer has been designated as "incapable of adequately transporting additional or new wastes."

It is our responsibility to balance the hardships of a variance denial against the harm that would occur if the variance were granted. We cannot intelligently do so on the present record, for we do not know the effect of adding the wastes in question to an already overloaded sewer. If, for example, the variance would mean raw sewage in somebody's basement, a very great hardship indeed would be required to justify a grant. We therefore postpone decision pending receipt of additional information from the parties as to the adverse effects of allowing the connection sought.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Preliminary Opinion & Order this 20th day of June, 1972, by a vote of 5-0.

