

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1974

GEORGE RODIS,)
)
) Petitioner,)
)
) v.) 74-84
)
) ENVIRONMENTAL PROTECTION AGENCY,)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

Mr. George Rodis filed a Petition for Variance with the Pollution Control Board (Board) on March 4, 1974, seeking relief from our sewer ban Order 7 set down in League of Women Voters v. North Shore Sanitary District (League) #70-7, 1 PCB 369 (March 31, 1971). In 1973, Petitioner purchased a vacant lot at 2426 N. Butrick Street in Waukegan, Illinois with the intention of erecting a new home on the property. Mr. Rodis's present home--also located in Waukegan--is a two-bedroom, single-family dwelling occupied by him and his wife, three children, and Petitioner's 80-year old mother.

The Board, in its Interim Order of March 7, 1974, requested additional information regarding the adequacy of the present sewer on Butrick Street. An April 1 response indicated that the sewer was presently hydraulically overloaded, but that improvements were to be made in the near future. The City of Waukegan advertised for bids on March 28, and April 24 had been set for the opening of bids. The sewer improvement to be installed will adequately handle additional effluent, including that from a home which Mr. Rodis wants to build. Completion of the improvements was expected some time in the spring of 1975.

The Environmental Protection Agency (EPA) filed its Recommendation on May 20, 1974. In its investigation, EPA discovered that the contract for the sewer would be let on May 6 with completion scheduled for early June 1975. However, EPA recommended that the Variance be denied in that:

1. Sufficient hardship has not been proven.
2. Alternative methods of treatment, such as septic tanks, have not been investigated.
3. Several Board cases, including Bill Lawler v. Environmental Protection Agency #71-209, 2 PCB 557 (September 30, 1971), established precedents to rule out the grant of a variance here.

We grant the Variance. The unreasonable hardship test of Section 35 of the Environmental Protection Act (Act) has been met. When Petitioner moves into his new home, the sewer improvements will be practically completed. In cases such as this, Petitioner need not explore other methods of sewage disposal as a condition to the grant of Variance. To install a device such as a septic tank for a short period of time and then connect to the newly completed sewer would be an unreasonable waste of money and materials. Finally, this case is distinguishable from Lawler v. Environmental Protection Agency, #71-209, in that the sewer improvement, which will solve the problem in the instant case, is already being implemented and should be completed in 1975 soon after Mr. Rodis could complete his new house.

ORDER

Petitioner is hereby granted a Variance from our Order 7 of League of Women Voters v. Environmental Protection Agency, #70-7, and may connect into the Butrick Street sewer in order to build his new home at 2426 N. Butrick, Waukegan, Illinois.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 29th day of May 1974, by a vote of 5 to 0.


Christan L. Moffett, Clerk