

ILLINOIS POLLUTION CONTROL BOARD
February 14, 1973

KENNETH P. ZELEN)
)
) #72-445
 v.)
)
 ENVIRONMENTAL PROTECTION AGENCY)

OPINION AND ORDER OF THE BOARD. (BY SAMUEL T. LAWTON, JR.):

On November 21, 1972, we entered an Order directing petitioner to file an amended petition containing information consistent with our Procedural Rule 401, specifying adequate facts to substantiate a showing of hardship as a consequence of petitioner's inability to make a connection with the Waukegan sewers.

While we have previously granted a partial lifting of the sewer ban with respect to the Waukegan plant, in cases North Shore Sanitary District v. Environmental Protection Agency, #71-343 (January 31, 1972), North Shore Sanitary District v. Environmental Protection Agency, #71-343 (March 2, 1972), most of the Waukegan sewers are classified as overloaded by the Agency and connections prohibited.

No work appears to have been done by way of construction nor is there any indication that a permit has been obtained. Petitioner intends to construct a single-family residence for his family, consisting of two adults and two children.

On the state of the record, we must deny the petition. We do not believe that petitioner has made an adequate showing of hardship which have justified variances under more extreme circumstances, Gwendolyn Hanna v. Environmental Protection Agency, #72-434, (January 30, 1973) and Mary Steele v. Environmental Protection Agency, #72-440 (January 30, 1973), nor that facts are demonstrated indicating the application of the doctrine set forth in John W. Bender v. Environmental Protection Agency, #72-324 (October 31, 1972).

IT IS THE ORDER of the Pollution Control Board that the petition for variance be denied.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 14th day of February, 1973 by a vote of 3-0.

Christan J. Moffett