

ILLINOIS POLLUTION CONTROL BOARD  
May 10, 1972

STATE NATIONAL BANK )  
OF EVANSTON )  
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 )  
v. ) # 72-176  
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ENVIRONMENTAL PROTECTION AGENCY )

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

The Bank asks a variance to allow connection of a new office building to a sewer in the North Shore Sanitary District despite our connection ban (League of Women Voters v. NSSD, #70-7, March 31, 1971). With respect to the Waukegan sewage treatment plant, to which this building would be tributary, we have modified the order by allowing a general variance because of improved treatment (NSSD v. EPA, #71-343, Jan. 31, 1972 and March 2, 1972). However, those orders specifically do not allow connections to sewers which are themselves overloaded, as is the sewer to which the building in the present case is to be connected.

The present building, however, replaces a number of residences that were torn down after our March 31 order, and the net result of allowing the connection, as the Agency agrees, will be that the overall load on the sewer will be less after connecting the new building than it was before the connection ban order. In analogous cases in the past the Board has granted variances to allow the connection on this ground. E.g., E.N. Maisel & Associates v. EPA, #71-285 (Dec. 9, 1971); Park Manor v. EPA, #71-190 (Aug. 13, 1971). The EPA urges us to construe our orders so as not to forbid the connection of replacement units that add no burden. This would mean no variance is necessary, that this petition could be dismissed, and that such cases could be handled in the future on a permit basis.

We agree with the Agency's interpretation. As a practical matter, since the Board has stated its intention to allow such connections, there is little to be gained by requiring resort to the relatively burdensome variance procedure in each case. We therefore construe our existing sewer ban orders not to forbid connections that replace existing sources and that

do not result in a net increase in the organic or hydraulic load to a given sewer or treatment facility. Given this construction, there is no need for a variance in the present case; a permit may be issued on the facts as stated if Agency requirements are satisfied, and the petition is hereby dismissed.

It of course remains the Agency's duty to determine in any given case whether or not the replacement load would recreate such a severe pollution problem as to justify denial of the permit. But it may do so without regard to our connection ban order.

I, Christan Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 10<sup>th</sup> day of May, 1972, by a vote of 5-0.

