

ILLINOIS POLLUTION CONTROL BOARD
August 13, 1971

ARTHUR H. ZAMOST)
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 v.) # PCB71-136
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 ENVIRONMENTAL PROTECTION AGENCY)

Mr. Arthur H. Zamost, pro se.
Mr. Lee Zelle, for the Environmental Protection Agency

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

Mr. and Mrs. Zamost seek a variance to permit connection of a proposed new home to sewers tributary to an overloaded treatment plant in the North Shore Sanitary District (see # 70-7, March 31, 1971). We deny the petition.

The sad state of the air and water as a result of inadequate sewage treatment within the District was fully documented in our March 31 opinion. We have insisted on proof of considerable hardship--unreasonable hardship, as required by the statute--in order to justify any new connections that will make a bad situation worse. In the present case the petitioners have purchased a lot and paid for plans for their new home (R. 5), but construction has not begun (R. 13). We have held the inconvenience due to postponement of construction under similar circumstances insufficient. E.g., Wagnon v. EPA, # 71-85 (July 26, 1971). The evidence also is that the petitioners must vacate their present home, which has been rented to others in reliance on their anticipated move (R. 6). But the record suggests the strong possibility that they must make temporary arrangements to live elsewhere even if the variance is granted, because the new house can no longer be completed by the agreed moving date of September 1 (R. 12). In any case, there is no showing that the petitioners are unable to find or to afford adequate housing for the interim until the plants are built and the sewer ban lifted. We regret the inconvenience, but we do not think it rises to the level of hardship required to justify additional pollution.

The petition for variance is denied.

This opinion constitutes the Board's findings of fact and conclusions of law.

I, Regina E. Ryan, certify that the Board adopted the above Opinion and Order this 13~~th~~ day of August, 1971.

