

ILLINOIS POLLUTION CONTROL BOARD  
September 30, 1971

MR. & MRS. BILL LAWLER )  
 )  
 )  
 v. ) # 71-209  
 )  
 )  
 ENVIRONMENTAL PROTECTION AGENCY )

Mr. and Mrs. Bill Lawler, pro se.  
Mr. Roger Ganobcik, for Environmental Protection Agency

Opinion of the Board (by Mr. Currie):

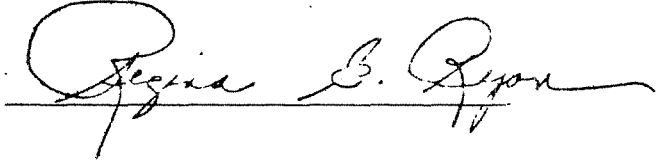
This is another petition for a variance to allow a new home to be connected to a sewer tributary to an overloaded treatment plant in the North Shore Sanitary District. League of Women Voters v. NSSD, # 70-7 (March 31, 1971). We deny it after hearing.

The serious conditions caused by overloaded plants in the District are amply described in our March 31 opinion. They got that way because of numerous new connections such as this one, and they will get worse if more are allowed. Consequently we have granted variances only on a showing of extreme hardship, such as the commencement of construction that would leave a new home vacant and subject to vandals (e.g., Tauber v. EPA, #71-171, Sept. 2, 1971), or extremely unfavorable existing living conditions with no viable alternative solution (e.g., McAdams v. EPA, #71-113, Sept. 2, 1971). Neither of these conditions is met here. With respect to commitments prior to the connection ban there was only the purchase of a lot (R. 5), which will retain its value when the ban is lifted; plans were procured at no cost (R. 21), but even paying for them would not have sufficed (e.g., Monyek v. EPA, # 71-80, July 19, 1971). As for uncomfortable living conditions, this case falls far short of the poverty-stricken circumstances of the McAdams case. While this family of six is living in a two-bedroom apartment (R. 6), there is no proof that they have no reasonable alternatives. Even in Highland Park or Highwood three-bedroom apartments can be had for \$250 per month according to the petitioners' own researches (R. 7); and they were prepared to spend an estimated \$266 per month for their new home (R. 16). Their search for alternative quarters did not go beyond these two communities (R. 23).

We sympathize with the petitioners' inconvenience, but it does not rise to the level of unreasonable hardship as is required to justify the discharge of additional wastes to a plant that cannot treat them. The petition is denied.

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

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board this 30 day of September, 1971.

A handwritten signature in cursive script, reading "Regina E. Ryan", is written over a horizontal line. The signature is fluid and includes a long, sweeping tail that extends to the right.