

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1995

JACK PEASE, d/b/a)	
GLACIER LAKE EXTRACTION,)	
)	
Petitioner,)	
)	
v.)	PCB 95-118
)	(Permit Appeal - Mining)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	


CONCURRING OPINION (by E. Dunham):

Though I agree with the outcome of this case (issuance of the requested permit), I believe that the case could have been decided strictly on factual grounds. Mr. Bruce Yurdin, the permit reviewer in this case, admitted that he did not specifically research purgeable organic carbon (POC) when he was given those results by Glacier Lake Extraction (GLE). Had he reviewed published reports of the Illinois Water Survey, he would have known that POC results from GLE are no higher than some results from drinking water wells in the State.

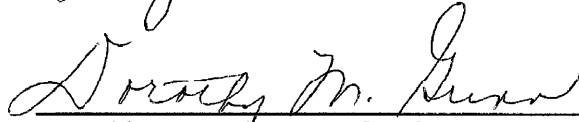
Considering that POC is a fraction of total organic carbon that includes (at least potentially) those volatile organic carbon (VOC) compounds of regulatory concern, Mr. Yurdin could have conditioned a permit on the further analysis of groundwater at GLE to prove that VOC was, or was not, present. The permit could further have been conditioned upon cleanup of any contamination found as a result of sampling.

Given a low probability of harm caused by POC levels equivalent to drinking water, Mr. Yurdin should have issued the permit to GLE, with conditions.

For these reasons, I concur.


Emmett E. Dunham II,
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was filed on the 21st, day of July, 1995.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board