

ILLINOIS POLLUTION CONTROL BOARD
August 13, 1971

PARK MANOR)	
)	
v.)	
)	#PCB71-190
)	
ENVIRONMENTAL PROTECTION AGENCY)	

Dissenting Opinion (by Mr. Currie):

It would be unfortunate if construction and occupancy of this proposed nursing home were postponed, especially in light of significant expenditures in reliance on the availability of a sewer connection, as described in the majority opinion. But it is also unfortunate that the sewage of some 113 residents, together with staff, will be added to an overloaded treatment plant, especially in the absence of any proof or even allegation that alternatives (such as employed in #71-106, Seegren v. EPA, opinion approved this date) are unavailable. If I thought the expenditures sufficient to forbid postponing construction, I would insist upon such proof. Even if proof were made, however, I would adhere to my dissenting opinion in Wachta v. EPA, #71-77 (Aug 5, 1971) and deny the variance. As the Board said in Wagnon v. EPA, #71-85 (July 26, 1971), the money so far spent is not lost; its enjoyment is postponed. The land will be there, and the plans can be used, after the ban is lifted. In the meantime I think we should not make pollution worse in the North Shore Sanitary District.

The petition observes that the proposed building will replace an old funeral home that itself discharged substantial wastes to the overloaded plant. This is better than having both buildings discharging at the same time, but it is better still to have neither; for the plant can handle neither.

David H. Currie

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that Mr. Currie submitted the above dissenting Opinion this 13 day of August, 1971.

Regina E. Ryan