

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1992


GALLATIN NATIONAL COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 91-156
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

DISSENTING OPINION (by J. Theodore Meyer):

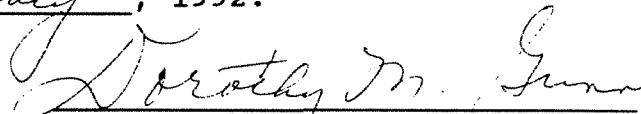
I dissent from the majority's decision in this matter. I would have denied Gallatin's motion for summary judgment, and granted the Illinois Environmental Protection Agency's (Agency) motion for summary judgment.

The crux of the issue raised by these motions for summary judgment is whether Gallatin must obtain an adjusted standard for constituents in its groundwater where the background levels of those constituents exceed water quality standards. I believe that 35 Ill. Adm. Code 811.320 imposes such a requirement. If we are to fulfill the stated purpose of the Environmental Protection Act to "restore, enhance, and protect the quality of the environment", we must insist that it is not enough to simply avoid damage to the environment. (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1002(b).) Our efforts must include requirements to "restore and enhance", not just "protect".

For this reason, I dissent.

  
J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 13<sup>th</sup> day of January, 1992.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board