

ILLINOIS POLLUTION CONTROL BOARD  
August 26, 1991

STATE OIL COMPANY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 90-102  
 ) (Water Well Setback Exception)  
 )  
 DR. AND MRS. JAMES KRONE and )  
 the ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondents. )

DISSENTING OPINION (by J.D. Dumelle):

The majority has granted State Oil permission to install gasoline tanks only 146 feet from Dr. and Mrs. James Krone's new well. If the Krone's well becomes polluted the consequences are severe. A connection to the Crystal Lake water system could take a year or more to accomplish and cost \$180,000. Would State Oil willingly pay such a sum or would it contest the cause of pollution? And even if the Krone veterinary hospital were eventually connected to the Crystal Lake water system that water would not be suitable because it is chlorinated. Dr. Krone stated:

...Chlorinated water is generally rejected by most pets. They wouldn't drink it. I'd have to have another source of water. (R.182).


The majority opinion makes no mention of Dr. Krone's rejection of chlorinated water for his use. Would State Oil pay in perpetuity for a dechlorinating system for Dr. Krone?

The majority opinion in two places (p. 11 and p. 14) makes much of the Krones "non-communication" with the Board after January 1991. The implication by the majority is that the Krones are no longer interested in the outcome since constructing their new well. To me this is unwarranted. The Krones made their record and rested upon it. There is no duty to belabor the Board with filings stating that their position is unchanged.

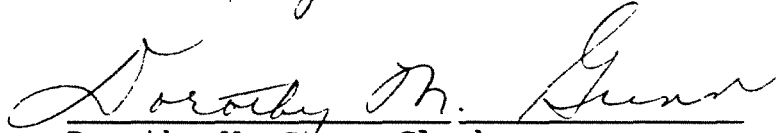
Since the consequences of pollution of the Krone's well are so severe I would have required the installation of double-hulled steel tanks at this location. A detector system connected to the space between the hulls would have provided maximum protection.

The statute providing for Board determinations in contested water well exception setback proceedings was enacted to balance the consequences of well pollution against the cost of protective measures. I would have more adequately protected this long-established veterinary hospital.

For these reasons, I dissent.

  
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Jacob D. Dumelle, P.E.  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 4<sup>th</sup> day of September, 1991.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board