ILLINOIS POLLUTION CONTROL BOARD July 31, 1986

VILLAGE OF LEMONT,) Petitioner,) v.) ILLINOIS ENVIRONMENTAL) PROTECTION AGENCY,) Respondent.)

PCB 86-54

CONCURRING OPINION (by J.D. Dumelle):

My reason for concurring lies mainly in the failure of the majority to recognize the risk in using this high radium public water supply. (See Opinion, p. 3.)

The Village of Lemont (Lemont) gives its combined radium level on its water bills to consumers as 19.8 pCi/l. The Federal and State standard is 5.0 pCi/l. Thus Lemont's water is four times the standard.

The Federal Register of August 14, 1975, gives the risk as "between 0.7 and 3 fatal cancers annually per million exposed persons" at 5 pCi/l of combined radium. At four times that level, Lemont's risk would thus be 2.8 to 12 fatal cancers (an average of 7.4) annually per million exposed persons. If the variance had been granted for the five-year period requested, the risk would be five times the 7.4 or 30 fatal cancers per million. Put another way, the risk would be 1-in-33,000 to an individual resident over a five-year period.

Please note that this 1-in-33,000 risk for a five-year period is in existence now to all of Lemont's residents. The Village should quickly bring down these extremely high combined radium levels.

On another matter, I believe that the procedure allowed here of permitting members of the audience to question witnesses was not correct. A variance is a contested case. Only parties may cross-examine. A person may become a party by intervening. The testimony elicited by this non-party cross-examination should have been stricken by the majority.

Optcob D. Dumelle, P.E. Chairman of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the <u>5-4</u> day of <u>August</u>, 1986.

Dorothy M. Gunh, Clerk

Illinois Pollution Control Board