

ILLINOIS POLLUTION CONTROL BOARD  
May 9, 1986

VILLAGE OF BURLINGTON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 85-183  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

DISSENTING OPINION (by J. D. Dumelle):

My dissent is based upon the health threat posed by the majority grant of this variance, the vagueness of the basis for the variance, and the past poor record by Burlington in the following previous Board orders.

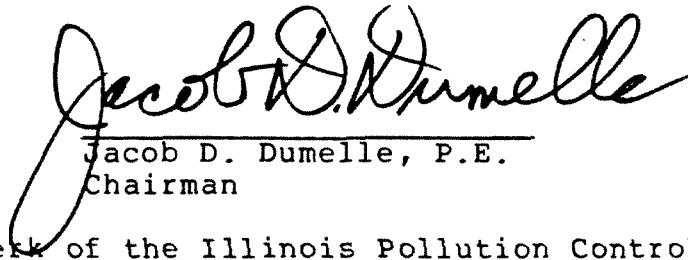
The barium content in the Burlington water is 2.7 mg/l. The new Federal standard is 1.5 mg/l. The content is therefore 80% over this health-based standard. Does that not give cause for concern? Barium, at excessive levels, leads to hypertension which in turn may bring on strokes or heart attacks. The grant of this variance will allow new residential construction which will expose additional persons to these high barium levels and to adverse health effects. The time period for inducing hypertension from barium is not clear and may be well under five years.

Burlington's claim of hardship here is vague. No new development awaiting this grant is alleged. Any other municipality can make the same claim and will then presumably be granted a similar variance. The entire basis for Restricted Status is thus destroyed. The rule might just as well be repealed if such vague claims are granted.

Most disturbing is Burlington's past conduct. The Agency has recommended denial but the majority has seen fit not to follow that recommendation. Four of the five conditions set out by this Board in PCB 80-203 were not followed by Burlington. That is an 80% rate of non-compliance. No compliance plan was submitted before January 1, 1984 yet the instant variance again requires a compliance plan. What assurance does this Board have that it will be prepared and submitted? How many bites at the apple are to be allowed?

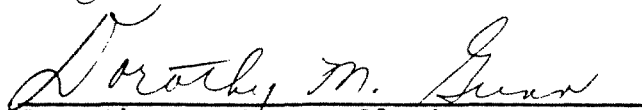
Burlington's failure to observe Condition "E" in PCB 80-203 means that its own residents were not notified of the high barium levels in their drinking water. They might have chosen to use bottled water if they themselves were hypertensive or cardiac problems. But they were never told!

The Board majority has here rewarded non-compliance with its previous orders by a new grant over the Agency's objections. Board orders will never be respected if this practice continues.



Jacob D. Dumelle, P.E.  
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 15<sup>th</sup> day of May 1986.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board