

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

VILLAGE OF HAMPSHIRE,)
)
) Petitioner,)
)
) v.) PCB 85-114
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

DISSENTING OPINION (by B. Forcade and J.D. Dumelle):


We dissent from the majority Opinion and Order in this matter for three reasons: lack of compliance with the prior variance; lack of commitment to future compliance; and self-imposed hardship.

The Village of Hampshire ("Hampshire") was granted a five-year variance from the 1.0 mg/l barium limitation on January 22, 1981. During the nearly five years of that variance Hampshire has taken no positive action to come into compliance, has taken no positive action to investigate methods of compliance and has failed to file required reports with the Agency. In short, Hampshire has made no efforts in the direction of compliance with health related standards, procedural filing of reports or requirements of this Board's Order for five years.

A review of Hampshire's variance petition (5-1/2 pages) shows it lacking a plan for compliance. Indeed, the petition lacks a plan for developing a plan for compliance. The only "plan" consistent with the facts is another variance request *ad infinitum*.

Much of Hampshire's hardship is self-imposed. Hampshire has failed to pursue alternative source investigations even where there would apparently be no cost. Also, during the period of unauthorized delay, the costs for one method of compliance have risen nearly 36%. To seek variance in part based on these factors is indeed self-imposed hardship.

We would have denied variance leaving compliance to the enforcement mechanisms of the Environmental Protection Act.


Bill S. Forcade
Member of the Board


Jacob D. Dumelle
Chairman of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certifies that the above Dissenting Opinion was submitted on the 19th day of November, 1985.

Dorothy M. Gunn
Dorothy M. Gunn
Clerk of the Board