

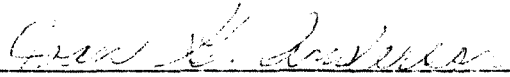
ILLINOIS POLLUTION CONTROL BOARD
January 27, 1983

GREATER PEORIA SANITARY DISTRICT,)
)
) Petitioner,)
)
) v.) PCB 83-12
)
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

CONCURRING OPINION (by J. Anderson):


This provisional variance request to eliminate a current emergency (Ex. A), as well as the Agency recommendation, appears to address what may turn out to be a longer term groundwater problem not specifically related to the abnormally severe rains that caused the river to crest to its third highest historical level. Also, this record indicates that there may have been some misunderstanding regarding the scope of the emergency relief available with the provisional variance.

In order to avoid confusion, I believe it is appropriate in this case to alert the petitioner to the fact that this provisional variance procedure (which bypasses the public's access to prior notice and opportunity for formal hearing) is reserved for use to cope with short term problems that should be fully remedied within 45 days, with a "backstop" extension of up to a total of 90 days in any calendar year. It should not be viewed as a repeatedly available substitute for the regular variance and other procedures which serve to provide proper forums to thoroughly address any inherent and recurring groundwater problems that may exist with the lagoon system.



Joan G. Anderson
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 27th day of February, 1983.



Christan L. Moffett, Clerk
Illinois Pollution Control Board