

ILLINOS POLLUTION CONTROL BOARD
August 18, 1983

METROPOLITAN SANITARY)
DISTRICT OF GREATER CHICAGO)
)
Petitioner,) PCB 83-110
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CONCURRING OPINION (by J. D. Dumelle):

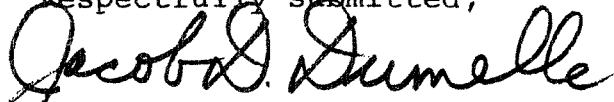
My reason for concurring in this provisional variance is that I believe it is contrary to the intent of the General Assembly.

Provisional variances, I believe, were designed to cover fast breaking situations of an unanticipated nature. Here we have a massive diversion of from 40 - 80 million gallons of wastewater per day for two days with only primary treatment. The MSDGC contract for this project was drawn up back in 1977.

A related variance, PCB 83-72, was filed with the Board without using the provisional variance mechanism and decided on July 14, 1983. The instant case should have been filed in the same fashion to allow for public scrutiny.

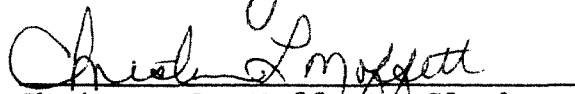
Provisional variances bypass public notice and opportunity for hearing. They should not be used for situations such as this where plans were drawn up in 1977 or earlier.

Respectfully submitted,



Jacob D. Dumelle, Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 23rd day of August, 1983.



Christan L. Moffett, Clerk
Illinois Pollution Control Board