

ILLINOIS POLLUTION CONTROL BOARD
September 23, 1983

CITY OF EAST PEORIA,)
)
 Petitioner,)
)
 v.) PCB 83-38
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

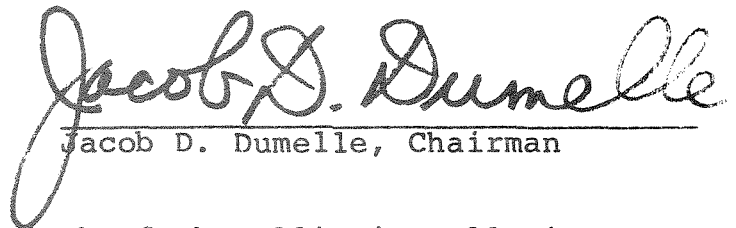
DISSENTING OPINION (by J.D. Dumelle):

My reason for dissenting is the uncalled-for financial burden here put upon the City of East Peoria by the Board majority. The design fees required by the majority amount to at least \$100,000 to \$150,000 and are probably now not recoverable through the Federal grant program.

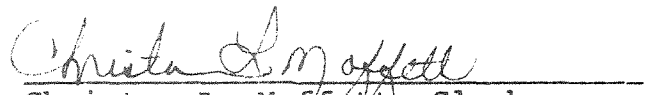
The majority would consider at great length before imposing a penalty of \$100,000 to \$150,000 on a city of East Peoria's size. Yet here it imposes that same cost with no clear reason for doing so.

I would not have voted for the variance on July 26, 1983 had I realized that the Board intended these design costs to be borne 100% by East Peoria. East Peoria now can only (1) refuse to accept the variance or (2) appeal this onerous condition or (3) petition for a variance from the July 26, 1983 Board Order.

The Board should always leave municipalities free to seek grant funds and not unilaterally and arbitrarily make them ineligible for these funds.


Jacob D. Dumelle, Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 29th day of September, 1983.


Christan L. Moffett, Clerk
Illinois Pollution Control Board