## ILLINOIS POLLUTION CONTROL BOARD June 9, 1977

COMMONWEALTH EDISON COMPANY, ) Petitioner, ) v. ) PCB 77-13 ENVIRONMENTAL PROTECTION AGENCY, ) Respondent. )

Dissenting Opinion (by Mr. Dumelle):

My principal reason for dissenting in this matter is the long delay by Edison in complying with the Board's effluent standards which were to be met by December 31, 1973.

An examination of the record shows that Edison engaged three consultants in April 1975. Their reports were submitted in November 1975 (R. 87, 89). In December 1975 the waste treatment improvements were presented for funding to the Edison Board of Directors (R. 95). Thus, two full years had elapsed after the deadline before all the projects were even authorized for construction.

Edison's Petition quotes the U.S. Environmental Protection Agency as stating "that each of the schedules (of construction) are reasonable, and that the time required to have the systems operational cannot be shortened." (Ex. 16, p. 4, Petition.) But had Edison started its program in a timely fashion (i.e. after passage of the Board's Effluent Standards in early 1972) some three years would have been saved!

The Petition details the imminence of the passage of P.L. 92-500 in October of 1972. Edison made a deliberate decision to do nothing until the Federal regulations under P.L. 92-500 were finalized (Pet. p. 10). This occurred on November 7, 1974. Edison should have come to this Board for a variance prior to December 31, 1973. The Board should not dignify the flaunting of a Board deadline by granting the variance afterward. By doing so, the Board has encouraged other dischargers to decide themselves when to come into compliance.

I would have denied the variance because of the long delay in coming into compliance.

Respectfully submitted,

Jacob D. Dumelle, Chairman Illinois Pollution Control Board

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the  $/2^{-n}$  day of  $\sqrt{2^{n}}$ , 1977.

Christan L. Moffe Clerk

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