

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

CORPS OF ENGINEERS,)
ROCK ISLAND DISTRICT,)
)
Petitioners,)
)
)
v.) PCB 75-265
)
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
)
Respondents.)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is the apprehension that the majority decision may delay necessary maintenance now underway.

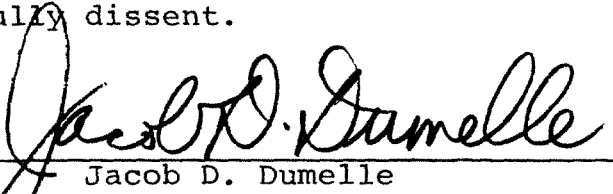
The Petition asserts that gates at Lock and Dam 13 were to be painted between October 6 and December 1, 1975. After December 1, 1975 and until May 1, 1976 painting was to be performed at Lock and Dam 15.

In view of the Board decision today in Abitibi (PCB 75-207) in which a variance was granted because photochemical smog would not occur in these late Fall months it seems to me that we could have dealt similarly with the Corps of Engineers.


I would have granted a variance through February 1, 1976. Necessary maintenance could have gone forward and under Abitibi no environmental harm would have resulted. It is even possible that the Corps could have accelerated its painting to have all of it done before the Spring 1976 photochemical smog season arrives.

For these reasons, I respectfully dissent.

Submitted


Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 6th day of November, 1975.


Christan L. Moffett, Clerk
Illinois Pollution Control Board