

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1974

J. RUSSEL MILLER

v.

ENVIRONMENTAL PROTECTION AGENCY

PCB 74-230

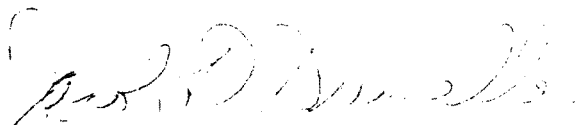
DISSENTING OPINION (by Mr. Dumelle):

I agree with Dr. Russell T. Odell's dissent filed November 12, 1974.

In the instant case, Mr. Miller constructed this building well after the March 31, 1971 sewer ban set by this Board. His original petition of June 17, 1974 states that "the building is under construction".

Thus we have a situation in which a developer owning an 8.2 acre tract valued at \$615,000 has knowingly built in defiance of a sewer ban adopted three years earlier. This is not some unschooled householder who built a home to live in without knowledge of the ban. It is a person knowledgeable in real estate who has built 21 condominium units and is presently carrying a debt of \$350,000.

If ever a sewer ban was flaunted it was in this case. We should not let defiance of our ban "bootstrap" a developer into getting a prized connection to an overloaded sewage treatment plant. If the ban is no longer needed, then let the Board in a proper action, lift it for all. But let us not legitimize what was deliberately done illegally.



Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 24th day of October, 1974.



Christan L. Moffett
Clerk
Illinois Pollution Control Board