

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1982

CITY OF SPRINGFIELD,)	
)	
Petitioner,)	
)	
v.)	PCB 82-113
)	PROVISIONAL VARIANCE
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

CONCURRING OPINION (by J. Anderson and J.D. Dumelle):

We concur in this matter because the situation for which variance was granted appears to have been predictable and foreseeable.

The Illinois Environmental Protection Agency Recommendation points out that the surge lagoon "sludge was building faster than anticipated." It also mentioned previous diversions to Lake Springfield in May 1980 and May 1981 (Rec. p.2, No. 5) in order to clean this lagoon.

Thus it appears that the Petitioner could reasonably have foreseen that another diversion would be needed in 1982 and have applied through the conventional variance procedure. Had it done so the public would have been on notice and might have commented on the merits of allowing the diversion as against incurring the estimated expense of \$5,640.

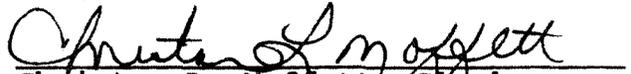
The Illinois Environmental Protection Agency seems not to explicitly have considered the effects of bottom deposits, if any. Using 225 mg/l as the total suspended solids level and a discharge of 3,000,000 gallons per day, the weight of the solids discharged would be 5,631 lbs. per day. For the 5-day period of the variance, some 28,155 lbs. would be released. What is the effect of this 14-ton discharge upon bottom-dwelling organisms? The Illinois Environmental Protection Agency Recommendation is silent.

The instant variance seems borderline so far as meeting the intent of the General Assembly in adopting the provisional variance statute. Its need was certainly predictable, and it should better have been processed with the participation of the public.

Jean H. Anderson
Jean Anderson (KMC)
Member

Jacob D. Dumelle
Jacob D. Dumelle Board
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 15th day of September, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board