

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1982

IN THE MATTER OF: )  
 )  
PARALLEL SHORE PROTECTION ) R82-11  
IN LAKE MICHIGAN )  
(Subtitle C; Part 311) )

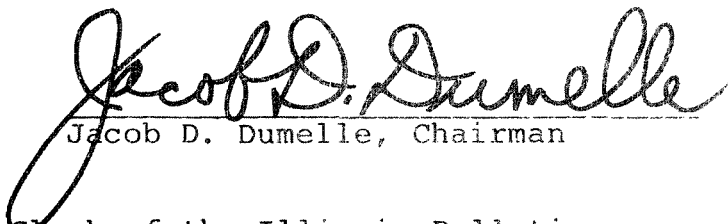
CONCURRING OPINION (By J.D. Dumelle):

The intent of this proposed rule was to eliminate unnecessary paperwork and to speed up shore protection permit issuance.


The majority has interpreted "concurrence" to mean individual concurrence by the Board on each and every permit application. It seems to me that this proposed rule provided strict environmental safeguards and would have given concurrence to a narrow class of permits which are now routinely issued.

However, the alternative proposed by the Board for First Notice would have given individual Board Members in effect a veto power over the proposed Rule's functioning. Since no single Board Member now has a veto power over any Board Rule, a precedent would be created which might lead to further provisions of this type. For this reason, I concur in dismissal as being preferable to adoption of the First Notice proposal.

It is unfortunate that here the Board felt unable to simplify permit procedures and to reduce paperwork and to shorten permit issuance periods. I would have adopted the original IDOT proposed rule.

  
Jacob D. Dumelle, Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 16<sup>th</sup> day of December, 1982.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board