ILLINOIS POLLUTION CONTROL BOARD May 15, 1980

ILLINOIS	ENVIRONMENTAL PRO	OTECTION	AGENCY)		
	Petiti	loner,	)		
	v.		)	PCB	79-44
CITY OF N	OUNT CARMEL		)		
	Respor	ndent.	)		

CONCURRING OPINION (by Chairman Dumelle):

My reason for concurring lies in the allegations of Count II. The maximum chlorine residual concentration set in the NPDES Permit is not a Board rule. It is a permit condition set by the Agency.

The possible formation of chloramines and/or chlorinated hydrocarbons in the receiving stream because of this chlorine residual requirement are of concern to me.

The Board's fecal coliform standard by itself should be sufficient to protect public health without a chlorine residual necessarily being present in the effluent. And if the discharger chooses to achieve that fecal coliform standard by other forms of disinfection including ultra-violet, ozone, bromine, iodine, or gamma ray, then that should be possible.

One can argue that a chlorine residual requirement placed into a great many NPDES permits amounts to Illinois Environmental Protection Agency rulemaking without authority, without notice, and without an economic impact study. This record, being a single case, does not tell us the extent of the imposition of the chlorine residual concentration requirement by the Agency.

I would urge the Agency to re-examine its policy in this regard.

Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the  $19^{-1}$  day of  $Ma_{-1}$ , 1980.

Christan L. Moffett Clerk

Illinois Pollution Control Board