

ILLINOIS POLLUTION CONTROL BOARD
September 11, 1986

CENTRAL ILLINOIS UTILITY CO.,)
)
 Petitioner,)
)
 v.) PCB 86-53
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

CONCURRING OPINION (by J. D. Dumelle):

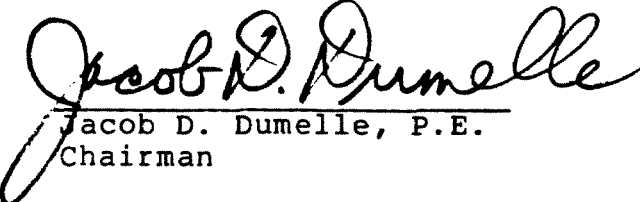
My reasons for concurring lie in the length of the variance; the lack of demonstrated progress under the previous variance; and possible Federal complications.

The majority has granted a five year variance. I would have preferred a three year variance to make certain that progress toward compliance is actually achieved.

The previous variance, PCB 80-234, was granted April 16, 1981. It required; (a) six month communication with IEPA on fluoride removal techniques, (b) a compliance program by January 1, 1984, (c) no levels of fluoride above 4.0 mg/l, and (d) written notice every three months (after June 30, 1981) to all users that a variance had been granted and information on most recent measured fluoride levels.

Neither the Petition nor the Recommendation mention compliance with any of these four conditions. The record is silent and this Board is uninformed. If the Petitioner in fact filed a compliance plan by January 1, 1984 why is a new date of March 11, 1988 (18 months after September 11, 1986) now being set in the instant case?

Finally, the matter of Federal complications is important. The majority decision set no upper limit for fluoride. Thus the Petitioner legally is not under the Safe Drinking Water Act standards for fluoride. The Agency, in its Recommendation at Paragraph 14 stated, "As a result, the requested variance may be granted in a manner consistent with federal law provided that the Board's Order specify that fluoride levels not exceed 4.0 mg/l." This was not done.


Jacob D. Dumelle, P.E.
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 16th day of September 1986.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board