

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1982

IN THE MATTER OF:)
)
AMENDMENTS TO CHAPTER 3:) R77-12 (Docket D)
WATER POLLUTION)
(Effluent Disinfection))

DISSENTING OPINION (by J. Anderson):

On February 10, 1982, the Attorney General filed a motion to extend the comment period for 30 days. The motion was granted and the comment period extended to March 15, 1982.

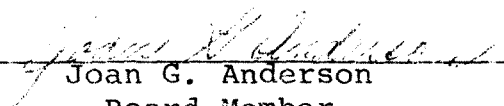
I do not feel that the Board's procedural rules should have been used to prolong an already elongated proceeding unless the person a) for good reason was unable to substantively participate before or b) had personally raised any new issue. Such is not the case here.

After the passage of more than four and one-half years since this Environmental Protection Agency proposal was introduced, after six merit hearings in 1977 and 1978, after three days of economic impact hearings in mid-1981, after an already extended comment period, and after two more hearing days primarily because of the delayed submittal of K.A. Steel Chemicals Inc., enough is enough.

I certainly do not question the good faith reasoning of the majority to overrule the Hearing Officer and to extend the comment period. From a procedural standpoint, the Board was placed in a difficult situation by this motion. Under normal circumstances, the 14 day comment period in Procedural Rule 210 would not be shortened. The Board's effort to try to expedite its decision on this proposal (see Order of January 7, 1982) was simply frustrated.

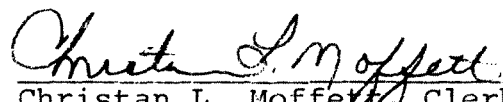
The recent extra hearings were appropriate and necessary. However, once this was done, I believe that the Board should have sustained the Hearing Officer's ruling limiting the time for still another comment period, even if, for other reasons, it probably could not have acted quickly enough to alleviate the Metropolitan Sanitary District's time constraints on its chlorine contract. Now, the Board has created a new "roll-over" situation in place of an expedited decision.

While I will defend the Board's long standing desire to assure that everyone "has their say", I feel that the Board should have balanced this against a perception that its regulatory proceedings are unnecessarily repetitious and prolonged.



Joan G. Anderson
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 19th day of February, 1982.



Christan L. Moffett Clerk
Illinois Pollution Control Board