ILLINOIS POLLUTION CONTROL BOARD
March 11, 1976

CITY OF KEWANEE,	)	
	)	
Petitioner,	)	
	)	
	)	
	)	
v.	)	PCB 75-466
	)	
	)	
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

CONCURRING OPINION (by Mr. Dumelle):

The Board Opinion finds that the alleged hardship to the City of Kewanee is self-imposed, to a degree. I agree with this finding but would have not granted the 4-month variance given by the majority.

A major factor in my reasoning is that the Illinois Environmental Protection Agency's recommendation filed March 4, 1976 reveals poor operation of the present landfill site by the City of Kewanee on six days in late 1975 and early 1976. Parties wishing a variance from the Board ought to come to the Board with clean hands. They ought to be living up to the Rules and Regulations to the maximum extent possible. On this record, Kewanee has not done so.

I would not have granted the short variance given the poor operation of the present landfill in recent months and the self-imposed nature of the hardship.

Submitted by Jacob D. Dumelle
Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted on the 17th day of March, 1976.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board