

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1977

CANNON CONSTRUCTION COMPANY,)
)
Petitioner,)
)
v.) PCB 77-57
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting is that the Petitioner should have known of the requirements of the Solid Waste Regulations. These Regulations were adopted by this Board on July 31, 1973 well before the Petitioner began operation in late 1974 or early 1975.

A variance from a solid waste permit requirement should not be given lightly. The Board set the permit requirements to generate the very onsite environmental information needed to avoid pollution problems in the future. For someone to ignore these requirements and then for the Board to grant a variance from them is to weaken the entire regulatory structure.

The failure to obtain a permit here was self-imposed. The Petitioner should have known of the requirement and should have obeyed it. I would have denied the variance for these reasons.

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Dissenting Opinion was submitted on the 22ND day of September, 1977.



Christan L. Moffett, Clerk
Illinois Pollution Control Board

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