

ILLINOIS POLLUTION CONTROL BOARD
March 4, 1982

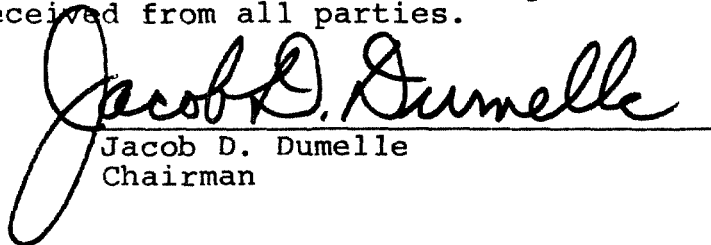
Illinois Department of Corrections)
(Pontiac Facility),)
)
Petitioner,)
)
v.) PCB 81-194
)
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

CONCURRING OPINION (by J.D. Dumelle):

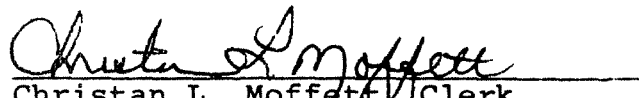
My reason for concurring in the dismissal without prejudice of the instant case has to do with the feeling that the need for the variance may be moot.

The Pontiac Prison had a prison riot on July 21, 1978 which caused the destruction by fire of the laundry. The Illinois Environmental Protection Agency now refuses to allow the rebuilt laundry to be connected to the sewage system. To me the "disconnection" was wholly involuntary. Capacity should have been reserved for this essential facility by denying other permits to hook on to the sewer system.

However, the Illinois Department of Corrections has not joined other necessary parties in this proceeding and IEPA has not briefed this issue. The Illinois Department of Corrections is free to refile a new variance petition and perhaps the Board can soon decide this case of first impression after thorough briefs are received from all parties.


Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 5th day of March, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board