ILLINOIS POLLUTION CONTROL BOARD March 11, 1976

CITY OF OREGON, a municipal)
corporation,)

Petitioner,)

v.) PCB 75-497

ENVIRONMENTAL PROTECTION AGENCY,)

ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

DISSENTING OPINION (by Mr. Dumelle):

My reason for dissenting in this case is that the City of Oregon has had ample time to fully explore the existing chlorination requirement. The Board adopted the Public Water Supply Regulations on November 22, 1974 after extensive hearings that were well publicized. The variance petition was filed exactly 13 months later and a day after the grace period had expired.

Had the City of Oregon promptly been in contact with the Illinois Environmental Protection Agency or with its own consulting engineer it could have far earlier than it did become aware of the possibilities to use the existing utility building and existing chemical feed pumps. The Agency cannot be the consulting engineer to cities. Whatever advice it can render of a technical nature is a help but each city concerned should initially rely upon its own consultant or staff for assistance.

Where the hardship is wholly self-imposed, the Board ought not to grant a variance. To do so, weakens the entire legal fabric for justification of a variance. The Board is here saying "The delay was your fault but we will protect you for a time nonetheless".

I would not have granted the variance.

Submitted by

Jacob D. Dumelle

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

Christan L. Moffett, Clark
Illinois Pollution Control Board

20 -- 285