

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1981

CITY OF STAUNTON, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 80-166  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

DISSENTING OPINION (by J.D. Dumelle):

My reason for dissenting in this matter is the excessive delay in complying with the Board's Rule 408(a). This Rule was to be complied with by December 31, 1973.

In 1981 the Board has now granted a variance to July 1, 1982. Thus 8½ years of delay will have occurred. And since some 6 tons of solids have been discharged every 6 months, it will mean that a total of 102 tons of chemicals and solids will have been discharged into the receiving stream over this period that might have been prevented.

The City of Staunton should have applied for a variance prior to December 31, 1973 and not years after the compliance date had passed.

The date of compliance of July 1, 1977 set in the NPDES permit appears to be a error on the permit writer's part. The NPDES permit cannot, of course, grant a variance from Board rules. Only the Board can do this.

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 17 day of January, 1981.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board