

ILLINOIS POLLUTION CONTROL BOARD
February 8, 1990

IN THE MATTER OF:)
)
JOINT PETITION OF THE VILLAGE OF) PCB 85-212
MORTON AND THE ILLINOIS ENVIRONMENTAL) (CSO Exception)
PROTECTION AGENCY FOR EXCEPTION TO THE)
COMBINED SEWER OVERFLOW REGULATIONS)

CONCURRING OPINION (by J.D. Dumelle):

Once again, I concur in this matter because the public had no knowledge of this motion and thus had no opportunity at all to comment. I had previously concurred on May 5, 1988 and on February 2, 1989 in similar Board actions.

The unique feature of the Illinois Environmental Protection Act is its many provisions for public participation and comment. This motion should have been docketed as a "Variance from a Board Order." Had that been done, then the public would have known of this proceeding by means of the required newspaper legal notice and the Board's listing in its own bi-weekly Environmental Register.

On what is before us the deadline extension seems justified. But the public oversight process has been neglected here for the third time. And the record might have been better developed if the public had been allowed into the process.



J.D. Dumelle, P.E., Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 9th day of February, 1989.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board