

ILLINOIS POLLUTION CONTROL BOARD
November 20, 1986

CENTRAL ILLINOIS UTILITY CO.,)
)
) Petitioner,
)
) v. PCB 86-53
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
) Respondent.

CONCURRING OPINION (by J. Anderson):

At the outset, I wish to assure the Agency that I appreciate why it felt the need to recommend the addition of the "not to exceed 4 mg/l" condition.

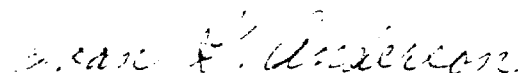
However, I concurred in order to make clear that I voted affirmatively solely to assure that the variance became finalized, and not because the underlying rationale was persuasive.

I cannot fathom what purpose is served by the addition of the condition. On the one hand, the Agency bases its request in part on the fact that the Petitioner's raw water has yet to exceed 4.0 mg/l; therefore, the condition at best is useless. On the other hand, if the fluoride content of the raw water were actually to exceed 4 mg/l, exactly what changed compliance action is expected of the petitioner? Nothing is stated.

Would the USEPA revoke the variance because it does not contain a changed compliance plan with increments of progress? One could continue to speculate. But the point is that the condition as it now stands leads nowhere; it is actually an exhortation to the groundwater source to behave itself.

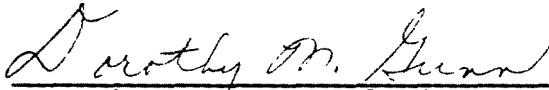
Conditions that lead nowhere are not harmless. A variance condition, if it is to be effective in assuring environmental protection, must at a minimum articulate what it expects of the petitioner and be enforceable. This condition does not pass this test.

Therefore, I concur.



Joan G. Anderson

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 25th day of November, 1986.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board