

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

CITY OF ST. CHARLES,)
)
 Petitioner,)
)
 v.) PCB 91-58
) (Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

I dissent from the Board's decision to accept this new case because the filing submitted by the City of St. Charles is deficient in at least two areas. Section 104.121 of the Board's rules state:

To enable the Board to rule on the petition for variance, the following information, where applicable, shall be included in the petition.

* * *

- (f) A detailed description of the existing and proposed equipment or proposed method of control to be undertaken to achieve full compliance with the Act and regulations, including a time schedule for the implementation of all phases of the control program from initiation of design to program completion and the estimated costs involved for each phase and the total cost to achieve compliance;

* * *

- (i) A discussion of the availability of alternate methods of compliance, the extent that such methods of compliance, the extent that such methods were studied, and the comparative factors leading to the selection of the control program proposed to achieve compliance.

Because these requirements were not met, I would have refused to accept the case. The purpose of obtaining a variance is to allow more time for an entity to comport with the provisions of the Illinois Environmental Protection Act. In this case, the petitioner has not supplied this Board with a specific compliance program.

Of what use is the rule? Accordingly, I dissent.

Jacob D. Dumelle, P.E.

Jacob D. Dumelle, P. E.
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 14th day of May, 1991.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board