

ILLINOIS POLLUTION CONTROL BOARD  
December 30, 1982

WASTE MANAGEMENT OF ILLINOIS, INC., )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 82-119  
 )  
 LAKE COUNTY BOARD, )  
 ) Respondent, )  
 )  
 ) and )  
 )  
 VILLAGE OF ANTIOCH, )  
 )  
 ) Intervenor. )

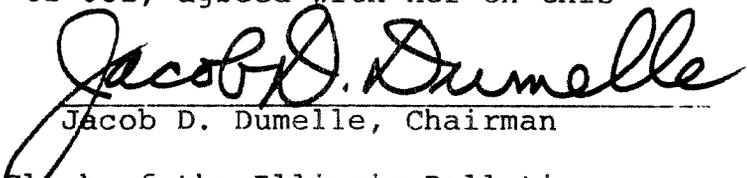
CONCURRING OPINION (by J.D. Dumelle):

While I fully agree with the Order and most of the Opinion, I do not agree with the majority "that these highly technical issues are beyond the jurisdiction of the local authorities and are to be determined by the Illinois Environmental Protection Agency ("Agency")". (Opinion, pp.6-7).

My dissenting Opinion in Tazewell County (PCB 82-55, August 5, 1982) pointed out that a plain reading of Criterion No. 2 cannot square with this majority holding. The criterion reads:

The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

The majority had the opportunity here to reverse the erroneous holding first made in Tazewell County. Senator Adeline Geo-Karis in sworn testimony on August 18, 1982 stated "...the intent was... to make sure the use of the land as a landfill would not affect the health, safety, and the welfare of the people." (R.94-5). Later on Senator Geo-Karis averred that Senator Vince DeMuzio, the principal sponsor of P.A. 82-682, agreed with her on this intent. (R.95).

  
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Jacob D. Dumelle, Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on 4<sup>th</sup> day of January, 1983.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board