

ILLINOIS POLLUTION CONTROL BOARD

May 5, 1983

In the Matter of: )  
)  
PROPOSED SITE SPECIFIC WATER POLLUTION ) R81-19  
RULES AND REGULATIONS APPLICABLE TO )  
CITIZENS UTILITIES COMPANY OF ILLINOIS' )  
DISCHARGE TO LILY CACHE CREEK )

DISSENTING OPINION (by D. Anderson):

I do not agree with the majority of the Board that the evidence is inadequate to support the adoption of a rule. Although Citizens' evidence is less than what should ideally have been presented, I believe it is adequate to support adoption of a rule similar to the proposal. The record before the Board in R81-19 certainly contains more information about Lily Cache Creek than was before the Board when the general use standards were made applicable to the Creek (R71-14, 3 PCB 401, January 6, 1972).

In R79-6 the Agency testified that, as a general proposition, the statewide water quality standards are overly broad when streams are looked at basin by basin. The Agency's case in this rulemaking is that this stream is "typical". This directly contradicts the Agency's general assertion in R79-6 that each stream is unique and must have its own set of standards. Although R79-6 has been dismissed, it was with the understanding that separate basin proposals would soon be filed.

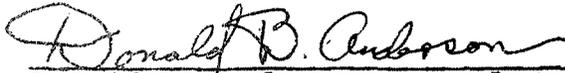
I believe that, once a petitioner has made out a sufficient case to support adoption of a new water quality rule, it is the Agency's duty to come forth with evidence to support the specific applicability of the general standards, or to come forth with different site specific standards which can be supported. The Agency failed to do so in this case.

Federal regulations require consideration of the relative costs and benefits before grant funding of wastewater treatment plants would be allowed. In this case the cost to benefit ratio is at least 16 to 1 against the upgrading. In addition, the local government has recommended that the upgrading be postponed.

I recognize that there is a problem with approaching the DuPage Basin in a piecemeal way. Obviously the Board must draw the line somewhere and not accept the argument that "it's already polluted so why make me be the only one who has to clean up his discharge". I do believe that it is necessary

to develop a cohesive strategy to address the water quality problems in the basin, but that such strategy should be based on information concerning the specific problems of the basin, rather than general information concerning general problems of the quality of the waters of the State.

I would give Citizens a site-specific rule until the Board has the DuPage Basin study.

  
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Donald B. Anderson, Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Dissenting Opinion was filed on the 19th day of May, 1983.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board