

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1982

VILLAGE OF FRANKLIN GROVE,)
)
) Petitioner,)
)
) v.) PCB 82-95
)) PROVISIONAL VARIANCE
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
) Respondent.)

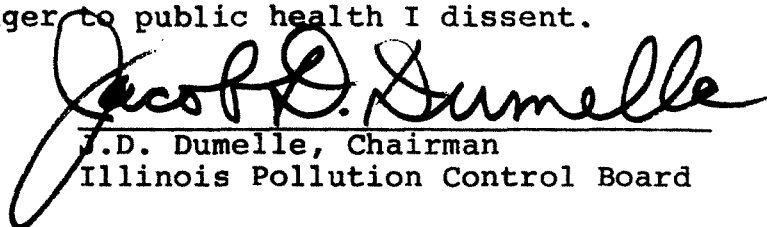
DISSENTING OPINION (by J.D. Dumelle):

My reason for dissenting lies with the apparent inadequate consideration by the Illinois Environmental Protection Agency of the effects, if any, of this undisinfected sewage plant effluent upon public health.

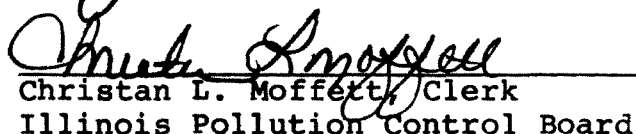
Franklin Grove's discharge eventually flows to the Rock River. The river mile distance to the Rock River is not given and thus the die-off of the pathogenic organisms cannot be computed. Since the Rock River, as we know from the record in R77-12 (Docket D) has waterskiing activities upon it we do not know here if that portion of the public is at risk from this proposed discharge.

The Legislature has said that the Board should perform essentially a ministerial act and approve all provisional variances within two days of IEPA notification to it. The Board has previously rejected a provisional variance on other grounds (SCA Chemical Services, Inc. v. IEPA, PCB 82-60, May 4, 1982). Thus the Board's actions on provisional variances are not necessarily purely ministerial.

Because of possible danger to public health I dissent.


J.D. Dumelle, Chairman
Illinois Pollution Control Board

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 6th day of August, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board