

ILLINOIS POLLUTION CONTROL BOARD
May 13, 1982

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-125
)
A.J. WELIN,)
)
Respondent,)

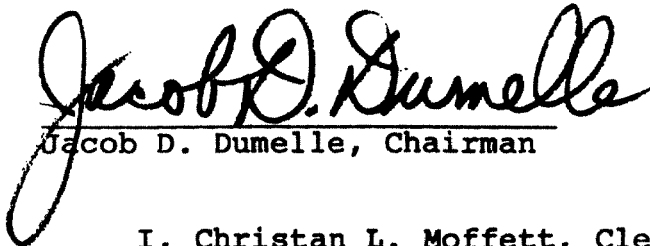
DISSENTING OPINION (by J. D. Dumelle and N. E. Werner):

Our reasons for dissenting in this matter are because the existing material has already revegetated and is thus an adequate cover. The new cover required by the majority would be quite expensive and is thus unnecessary.

The majority opinion correctly quotes Welin's expert witness, Thomas P. Kunes, P.E., as stating that the foundry sand will support revegetation (p.4). The exhibits, especially Exhibits 15D and 15E, show luxurious growths of grass and a "hayfield" appearance. These grasses and vegetation prove that the foundry sand is not toxic. The proof of this pudding is in its growing.


The Illinois Environmental Protection Agency, according to the majority opinion (p.6), performed tests on the foundry sand and compared results to the "effluent water quality standards". There are no such standards. There are "effluent standards" and there are "water quality standards," but the two types are separate and distinct.

The majority has required two feet of additional cover costing up to \$60,000. That new cover, if placed, would be for the purpose of raising vegetation upon it. Vegetation now grows in a luxurious manner (Exhibits 15D and 15E). The additional cover is simply not needed and much too costly.


Jacob D. Dumelle, Chairman


Nels E. Werner, Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 1st day of September, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board