

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 78-264
)
CITY OF KEWANEE, A MUNICIPAL)
CORPORATION,)
)
Respondent.)

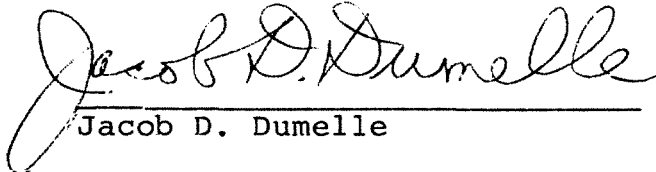
CONCURRING OPINION (by J.D. Dumelle):

My reasons for concurring in this decision lie in the mandatory staffing requirement and the lack of an ammonia limitation contained in the stipulation which is here accepted.

Paragraph 32(D) requires, among other conditions, that the City of Kewanee maintain a staff of seven employes at all times. I feel that mandatory staffing levels discourage innovation and economies. The "proof of the pudding should be in the eating" and the proof of adequate operation of a sewage treatment plant should be in the quality of its effluent, not in how many people are hired.

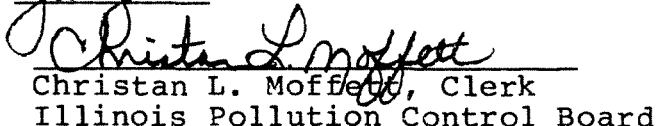
Paragraph 34 puts no limitations upon ammonia discharges. This means that the City of Kewanee could discharge ammonia at say 100 mg/l with impunity from prosecution. An upper level of 15 mg/l or perhaps 20 mg/l based upon actual discharges should have been set to protect the environment.

There appears to be no time limit in this stipulation and therefore the above conditions run at least with the life of the NPDES permit which might be up to five years from today. I think these two conditions are ill-advised and therefore concur.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 28th day of July 1980.



Christan L. Moffett, Clerk
Illinois Pollution Control Board