

ILLINOIS POLLUTION CONTROL BOARD  
December 16, 1993

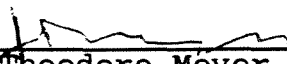
PERMATREAT OF ILLINOIS, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-159
	)	(Permit Appeal)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

CONCURRING OPINION (by J. Theodore Meyer):

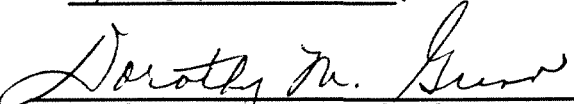
I concur with the majority opinion. I agree that the record does not support a finding that the crack in the concrete drip pad existed in 1991. I believe that this issue is essential in determining whether conditions 6 and 7 are necessary. This permit seeks the RCRA closure of a "waste pile" that was removed in 1991. (R. at 4, 9-18.) If that crack did not exist in 1991, any contamination that might be found under the drip pad cannot have come from the 1991 "waste pile". Determining whether the drip pad is impermeable now (in 1993 or 1994) sheds no light on whether the pad was impermeable in 1991, when the "waste pile" existed. Thus, in the context of this RCRA closure permit, I agree with the majority that conditions 6 and 7 are not necessary.

However, I concur to express my concerns regarding possible contamination at this facility. It does appear that there was a crack in the drip pad in 1993, leading to questions of whether there may now be contamination under the pad. I believe, however, that this issue needs to be pursued in the context of an enforcement or other appropriate action, not in a RCRA closure permit for the 1991 "waste pile". In other words, while I agree with the majority that conditions 6 through 9 are not necessary in this RCRA closure permit, I am concerned about the overall environmental status of this facility.

For these reasons, I concur.

  
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J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was submitted on the 22<sup>nd</sup> day of December, 1993.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board