

ILLINOIS POLLUTION CONTROL BOARD
November 8, 1990

CITY OF OTTAWA,)
)
 Petitioner,)
)
 v.) PCB 90-100
) (Variance)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

My reasons for dissenting lie in the extreme health risk to the people of Ottawa from the radium in the drinking water and the lack of public notice as to the length of the variance here granted.

The average radium concentration for the two overlapping one year periods listed on p. 2 of the Majority Opinion is 6.7 pCi/l of combined radium. At that concentration the risk to someone drinking Ottawa water for a 70-year lifetime is 1-in-10,670. That is 93 times the usual 1-in-1,000,000 risk on which most environmental standards are based.

This is a high risk. The possibility of bone cancer or head (sinus) cancer is great. Should Ottawa spend the \$983,116 on rehabilitating its wells? How much is a life worth?

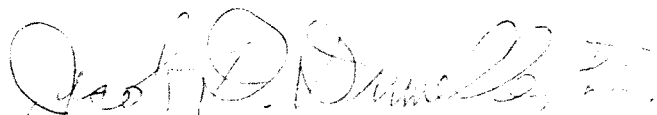
In a similar case decided today (City of Aurora v. IEPA, PCB 90-131) the City of Aurora told of spending \$36,823,870 to bring its radium levels down to the identical USEPA and IPCB standard. Aurora has a 1980 population of 81,293 and thus is spending \$453 per capita. Ottawa, with 18,166 population has doubts about spending \$983,116 or \$54 per capita. Put another way, Aurora is spending 9 times more per capita to reduce radium than the amount Ottawa thinks is excessive.

Ottawa's own Petition only asked for variance from restricted status until September 5, 1992. Yet the majority has sua sponte inserted a condition in the Order giving a possible variance until November 8, 1995. That is the full 5 year statutory period allowed.

But the public did not know that the Board would do this. More of Ottawa's citizens might have testified in objection to this variance had they known the majority would increase the period requested by 150%.

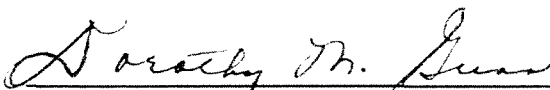
The essence of the Illinois Environmental Protection Act is its pioneering and sweeping public participation possibilities as devised by University of Chicago Law School Professor David P. Currie. But that public participation is frustrated when the Board, on its own, goes way beyond the period requested by the Petitioner. How is the public to know what is in the mind of the Board?

For these reasons, I dissent.



Jacob D. Dumelle, P.E.
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 13th day of November, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board