

ILLINOIS POLLUTION CONTROL BOARD

August 15, 1996

IN MATTER OF:)
)
PETITION OF COMMONWEALTH) AS 96-9
EDISON COMPANY FOR AN ADJUSTED) (Adjusted Standard - Land)
STANDARD FROM 35 ILL. ADM. CODE)
PARTS 811 and 814)

CONCURRING OPINION (by M. McFawn):

I agree with the judgment of the majority today that Commonwealth Edison (Edison) is entitled to all the relief requested in its petition. However, I concur because I believe that the relief granted from the regulations listed in Attachment A to Edison's petition should have been included within the terms of the adjusted standard, and that it is inappropriate for the Board to merely state that those requirements do not apply.

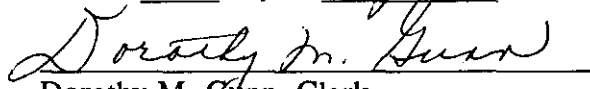
The Board has in past cases issued judgments finding that site-specific relief was not warranted because a regulation by its terms was inapplicable to a particular facility. However, this is not the situation in the present case. By their terms, the Attachment A regulations do apply to Edison's facility. Therefore, the more appropriate means of granting relief would have been to have specifically included an adjustment from the Attachment A regulations within the terms of the adjusted standard.

For these reasons, I concur.



Marili McFawn
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was submitted on the 19th day of August, 1996.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board