

ILLINOIS POLLUTION CONTROL BOARD
September 20, 1985

CITY OF GENEVA,)
)
 Petitioner,)
)
 v.) PCB 85-93
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

The Board majority, by a 4-3 vote, has granted a 13-month variance beyond January 12, 1986.

The health consequences of this variance grant are that additional bone cancers or leukemias may be induced. The Board instead should have dismissed the instant variance as moot in light of the enactment of R85-14 on August 15, 1985.

There are two major problems with granting this variance. First, there may be no hardship existing after January 12, 1986. All of the potential developers may well have been granted their permits by that date. What then is the hardship after that date until March 30, 1987? It is simply speculative.

Second, the Board majority here relies on the Aurora testimony of July 11 and completely neglects the later filings and testimony in R85-14. The August 2, 1985 issue of the Journal of the American Medical Association carried a major article titled "Association of Leukemia With Radium Groundwater Contamination". (See Dissenting Opinion in R85-14 by J.D. Dumelle which discusses its import.) This Board can consider material in its own rulemakings. Yet here the Board majority has chosen to put on blinders and not look at a record developed before it on the identical subject.

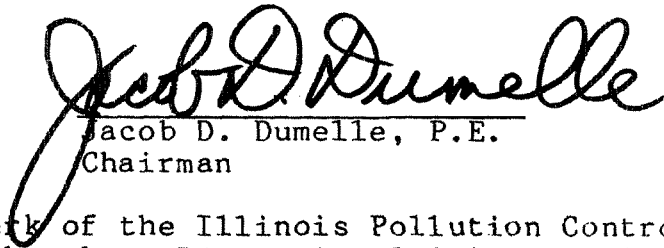
Since the August 15, 1985 enactment of R85-14, additional important exhibits have gone into that proceeding. One exhibit from Dr. Edward J. Calabrese's book shows absorption approaching 100% in infants which directly contradicts Dr. Toohey's use of a 20% absorption factor. Another exhibit is a Canadian study of water consumption which refutes Dr. Toohey's use of one liter per day and indicates that the conventional two liter per day figure is the more accurate and better figure to use.

These two later exhibits were not in the instant variance record. The Board majority should have denied the instant


variance as moot, called attention to these new and important exhibits and asked that any new filings consider and discuss their import.

Finally, the U.S. Environmental Protection Agency is expected to issue its re-evaluation of the radium standard this month. The "dismissal as moot" order, if enacted, would have bought time to receive and consider the latest scientific opinion from that agency.

I would urge the public officials of Geneva to examine the scientific articles discussed above. In view of the far higher absorption rates for infants (400%) and thus the possible danger of inducing leukemia or cancer in children I would urge that only low-radium water (bottled or softened water) be given to children or to pregnant women. Finally I would urge Geneva to obtain a low-radium water supply as soon as possible.


Jacob D. Dumelle, P.E.
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 1st day of October.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board