


ILLINOIS POLLUTION CONTROL BOARD
March 22, 1990

THE GRIGOLEIT COMPANY,)
)
Petitioner,)
)
v.) PCB 89-184
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

CONCURRING OPINION (by B. Forcade):

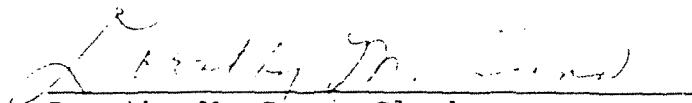
I agree with the majority opinion on this issue, but felt it was important to add that the Board ruled only on discovery issues. The Board was not asked to address, and did not rule upon, the admissibility of any evidence.

Regarding the admissibility of evidence and the standards for Board decision, the law is clear. The only issues before the Board are whether the correct permitting procedures were followed and whether the application demonstrates that the Environmental Protection Act and Board regulations will or will not be violated. Browning-Ferris Industries v. EPA, PCB 84-136, May 5, 1988, aff'd, 179 Ill. App. 3d 598, 534 N.E. 2d 616 (2d Dist., 1989); Marley-Ingrid (USA), Inc. v. EPA, PCB 88-17, January 19, 1989.



Bill S. Forcade
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 23rd day of March, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board