


ILLINOIS POLLUTION CONTROL BOARD
September 23, 1983

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
SANTA FE PARK ENTERPRISES, INC.,)
)
 Respondent.)

PCB 76-84

DISSENTING OPINION (by D. Anderson):

I agree that the Board in general has authority to decide constitutional issues which arise in cases before it. However, the Board should not address the constitutionality of the statute which created it, or any statute which limits its jurisdiction. Rather, the Board should apply the letter of the law, which in this case clearly calls for dismissal. The Attorney General should have gone into Circuit Court for a declaration that P.A. 82-654 is unconstitutional. I therefore respectfully dissent.


Donald B. Anderson
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 30th day of September, 1983.


Christan L. Moffett, Clerk Illinois
Pollution Control Board