ILLINOIS POLLUTION CONTROL BOARD
June 30, 1983

TEXACO USA, a division of Texaco, Inc., Petitioner,	)	
v.	)	PCB 83-80
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Respondent.	)	

CONCURRING OPINION (by J. Anderson):

This 20 day provisional variance, adopted by the Board on June 30, includes, without explanation, a retroactive effective date of June 27.

While I appreciate that this may have occurred because the Agency sought to coordinate the submittal of the provisional variance with a regularly scheduled Board meeting, retroactive start-up dates should be avoided in provisional variances, and certainly where no compelling reason is given. This fait accompli approach demeans the provisional variance process and may undermine the protection a Board order gives to the petitioner.

Joan G. Anderson, Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 6th day of July, 1983.

Christan L. Moffett, Clerk
Illinois Pollution Control Board