

ILLINOIS POLLUTION CONTROL BOARD
June 9, 1977

CITY OF CHICAGO,)
)
) Petitioner,)
)
) v.) PCB 77-108
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

DISSENTING STATEMENT (by Mr. Dumelle):

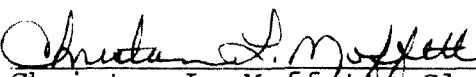
My reason for dissenting on both the Second and Third Motions for Extension of Time to File the Recommendation is that the period is simply too long for adequate and deliberate Board action.

Even assuming that April 18, 1977 is the correct filing date for the Petition, then an extension until June 17, 1977 represents 59 days required by the Agency to file a Recommendation. Thus only 21 days would remain until the 90 day decision period has run. Should the Recommendation be adverse to a grant then no time would remain for a public hearing to be legally held in order to ascertain the facts.

The Agency must adhere to the Board's Procedural Rule 405(a) which requires that recommendations be submitted within 30 days of filing if the entire deliberative process by the Board is not to suffer for want of time.


Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Statement was submitted on the 13th day of June, 1977.


Christan L. Moffett, Clerk
Illinois Pollution Control Board