

ILLINOIS POLLUTION CONTROL BOARD  
September 20, 1979

IN THE MATTER OF: )  
 )  
AMENDMENTS TO THE ) R79-9  
PROCEDURAL RULES )

DISSENTING OPINION (by Mr. Werner):

It seems somewhat unfair to place a new legal and procedural burden on those individuals or corporate entities who request help from the Board via a variance petition.

Often, variance petitioners are individuals or corporations of limited financial means and nonexistent legal expertise; small or medium-sized businesses struggling for economic survival and unschooled in legal technicalities; small towns whose hiring of special counsel and consultants impose substantial costs on them; local sanitary districts or public water supplies with limited funding closely tied to a limited homeowner tax base; and other similarly situated parties.

In his original proposed Opinion of August 9, 1979, Chairman Jacob D. Dumelle stated:

"The Board ... believes the Agency is better equipped to keep abreast of Federal developments than the vast majority of variance petitioners in Illinois."

Chairman Dumelle's original position on this issue appears to have validity, and there seems to be no compelling reason to change this position.

Respectfully submitted,

  
Nels E. Werner

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 4<sup>th</sup> day of December, 1979.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board