

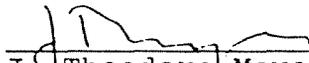
ILLINOIS POLLUTION CONTROL BOARD
September 13, 1990

CITY OF OGLESBY,)
)
 Petitioner,)
)
 v.) PCB 86-3
) (CSO Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the order adopted by the majority in this proceeding. On June 7, 1990, this Board closed the docket in this case, because Oglesby did not file an amended petition by March 1, 1990. Although I agreed that the docket should be closed, I dissented from that order because I believed that the majority order should not have included a sentence which pointed out that Oglesby could file a motion for reconsideration. The Board should not be practicing law for a party which appears before it represented by counsel. That is exactly what the majority order issued today does: it orders Oglesby to file a reply and to address five issues which the Agency questioned in its response. In essence, the majority is now giving Oglesby a second chance to properly support its assertions, when I believe that Oglesby should have supported its assertions when it first filed its motion for reconsideration and its amended petition. I believe that the majority's action is wrong, and that the Board should make a decision based upon the pleadings before us.

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 14th day of September, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board