

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1988

MCINTOSH LTD, - HOLDING INC.,)
)
 and)
)
 TURNBERRY UTILITIES, INC.,)
)
 Petitioners,)
)
 v.) PCB 88-81
) PCB 88-88
 ILLINOIS ENVIRONMENTAL) (Consolidated)
 PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING STATEMENT (BY J.D. Dumelle):

My reason for dissenting lies in the failure of the majority to await the transcript of the July 22, 1988 public hearing.

While the Hearing Officer has told the Board that no members of the public were present it is possible that the parties had made significant statements on the record. I would have asked for expedited delivery of the transcript and, if necessary, scheduled a special Board meeting to consider the case.

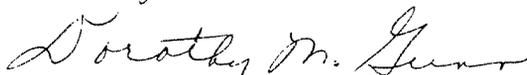
To hold a hearing and to then decide the case without receiving the transcript is a dangerous precedent. Why have the hearing at all?

Lastly, Turnberry Utilities, Inc.'s allegation that immediate resolution was needed to "continue providing existing customers at the Turnberry Development with drinking water ..." is incorrect. The Board has always held that lack of a variance is not equivalent to a shutdown order.



Jacob D. Dumelle
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Statement was submitted on the 8th day of August, 1988.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board