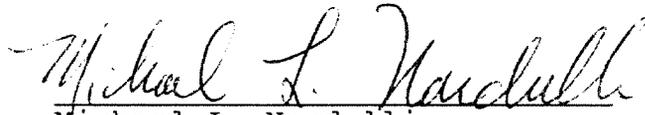


ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1992

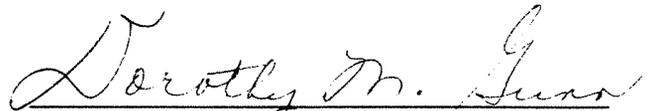
GALLATIN NATIONAL COMPANY )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 91-156  
 ) (Permit Appeal)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

DISSENTING OPINION (by M. Nardulli):

I do not disagree with the majority's interpretation of 35 Ill. Adm. Code 811.320 or decision entering summary judgment in favor of petitioner. However, I believe that Gallatin might have been entitled to summary judgment based upon the Agency's failure to comply with the Board's directive to issue its "decision on the permit modification ... no later than 21 days after permit modification is filed."

  
Michael L. Nardulli  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissent was filed on the 17<sup>th</sup> day of January, 1992.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board