ILLINOIS POLLUTION CONTROL BOARD June 4, 1992

U.S. DEPARTMENT OF ENERGY AND THE UNIVERSITY OF CHICAGO,)
Petitioners,	
v.) PCB 92-79) (Permit Appeal)
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,) (reimic Appeal)
Respondent.)

DISSENTING OPINION (by J. Anderson and J. Theodore Meyer):

The Board majority in this go-to-hearing order raised the question of "whether this matter may be appropriate for summary disposition " We believe that it is unwise for the Board to initiate such a question, in that it almost inevitably suggests that we are "sending a signal" that this is what we want the parties to do; in essense we appear to be practicing law for them. That this query may have been made in the interests of administrative convenience (i. e., saving hearing money), is not sufficient reason, we believe, to have raised the question. Indeed, does not it tend to aggravate the "sending a signal" problem?

It is for this reason that we respectfully dissent.

Joan G. Anderson, Board Member

J. Theodore Meyer, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the $//\pi$ day of $______, 1992$ pine____, 1992.

Dorothy M./Gunn, Clerk Illinois Pollution Control Board