

ILLINOIS POLLUTION CONTROL BOARD  
June 4, 1992

U.S. DEPARTMENT OF ENERGY AND  
THE UNIVERSITY OF CHICAGO,

Petitioners,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,


Respondent.

PCB 92-79  
(Permit Appeal)

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

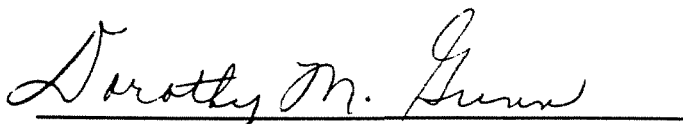
The Board majority in this go-to-hearing order raised the question of "whether this matter may be appropriate for summary disposition.... " We believe that it is unwise for the Board to initiate such a question, in that it almost inevitably suggests that we are "sending a signal" that this is what we want the parties to do; in essence 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 15<sup>th</sup> day of June, 1992.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board