


ILLINOIS POLLUTION CONTROL BOARD  
June 7, 1990

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

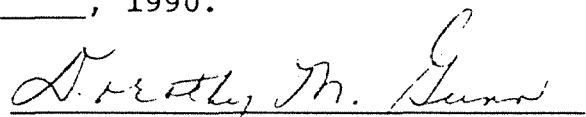
DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the order adopted by the majority in this proceeding. I agree that the Board should relinquish jurisdiction and close the docket in this matter, but I object to the sentence which advises Oglesby that it may file a motion for reconsideration pursuant to the Board's procedural rules. My objection has two bases. First, the Board should not be practicing law for a party which appears before it. That is exactly what the majority is doing by specifically pointing to the possibility of a motion for reconsideration. Second, the majority at least implies that it would consider an amended petition for permanent exception if Oglesby would now choose to file one, with a motion for reconsideration. Oglesby's amended petition was due on March 1, 1990, and Oglesby has been aware of that date since at least February 5, 1987. Absent exceptional circumstances, I would be extremely reluctant to consider an amended petition at this late date.

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 8<sup>th</sup> day of June, 1990.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board