

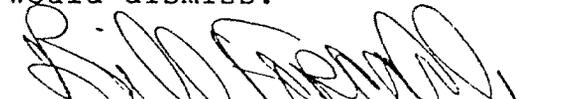
ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

WESTERN ILLINOIS POWER)
COOPERATIVE, INC. (n/k/a)
Soyland Power Cooperative, Inc.),)
)
Petitioner,)
)
v.) PCB 85-164
) (Permit Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

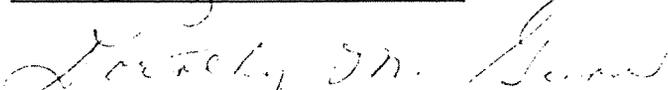
DISSENTING OPINION (by B. Forcade):

I respectfully dissent. I would have dismissed for want of prosecution. This matter is five years old. This case is cited by the Illinois Environmental Protection Agency as an example of an applicant being able to delay compliance with environmental laws while a matter is under review. Despite several Board Orders expressing growing concern with the lack of progress, no disposition is in sight. On July 3, 1990, I reluctantly agreed to go along with one more opportunity for the parties to either settle or litigate this case. The parties response was woefully inadequate.

There is a burden on petitioner in this litigation to diligently prosecute its case. That burden has not been met. I would dismiss.


Bill S. Forcade, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 31st day of August, 1989.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board