

ILLINOIS POLLUTION CONTROL BOARD  
December 19, 1996

CITY OF MOLINE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-39
	)	(Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority in this matter because the order lacks a fundamental component of Board orders dealing with petitions for variance. Specifically, today's order does not set forth a timeline by which the City of Moline (Moline) will achieve compliance with the Board's water regulations. This break from past Board practice is not only curious, given that Moline provided the Board with a time table for achieving its compliance plan, but it is also troubling because the City of Moline was given a four-year variance, a very generous amount of time by which to achieve compliance. Without providing a timeline by which Moline will be expected to meet certain compliance steps or objectives, the Agency lacks important tools by which to track Moline's progress. In addition, should Moline petition for an extension of this variance, the Board will have less documentation to evaluate whether or not Moline met its burden of demonstrating that it has made substantial progress toward achieving compliance. All entities in this case would be better served if a timeline of compliance objectives was included in the Board's order.

For these reasons, I respectfully dissent.

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J. Theodore Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the \_\_\_\_ day of \_\_\_\_\_, 1996.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board