

ILLINOIS POLLUTION CONTROL BOARD  
January 24, 1985

ANDERSON CLAYTON FOODS, )  
 )  
Petitioner, )  
 )  
v. ) PCB 84-147  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Respondent. )

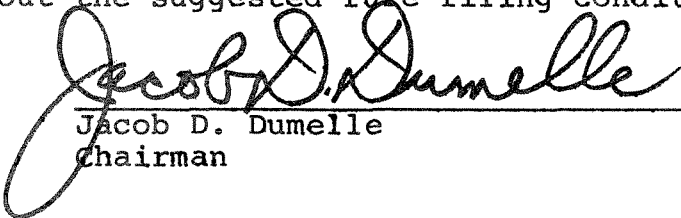
SUPPLEMENTAL STATEMENT (by J. D. Dumelle):

The instant variance is for a new coal burning technique that may well save large sums of money for Illinois industry and result in the usage of greater amounts of Illinois coal.

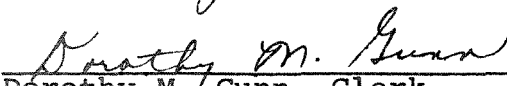
A five year variance, similar to that granted by the Board in B.F. Goodrich Co. v. IEPA, PCB 82-88, 49 PCB 223 (October 27, 1982), should have been granted. Retaining jurisdiction in a variance, as suggested, is highly unusual and probably in violation of the 90-day statutory deadline.

A suggested requirement that a petitioner file a site-specific rule crosses the line between a right to do so and the duty to do so. And "filing" by itself does nothing. If the site-specific rule is not supported by competent witnesses and testimony then the filing is an empty gesture and a useless condition.

The instant project requires a "research-type" variance. The Board has granted other such variances in the past (ammonia from refineries, for example) and could well have given the full five years in this case without the suggested rule filing condition.

  
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Jacob D. Dumelle  
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Supplemental Statement was submitted to me on the 31<sup>st</sup> day of January, 1985.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board