

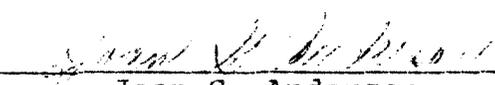
ILLINOIS POLLUTION CONTROL BOARD  
August 7, 1981

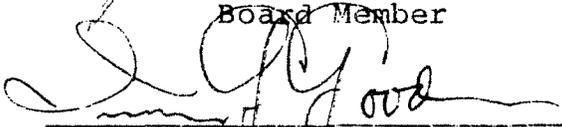
MIDWEST BAPTIST CONFERENCE, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-55  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

CONCURRING OPINION (by J. Anderson and I. Goodman):

Although, as was stated in the majority Opinion, it appears that everyone's due process rights have been protected in this case, there recently has been a disturbing trend of objectors to variance petitions who use their objection to the variance and its resultant requirement of a hearing as a bargaining chip to further the objectors personal needs and goals. Needless to say, that is not the purpose of the Board's rule. In the future the Board should not grant cancellation of a hearing based upon agreement between the petitioner and the objector, regardless of the appearance of lack of prejudice to any person. The alternative appears to be the wrongful use of Board procedure by an objector to achieve his purposes outside the scope of Board determination of the merits of the variance petition.

If a true problem exists and a legitimate objection is presented, a hearing must be held in order to enable hearing participants to have their say, whether or not they were formal objectors. Then the Board can evaluate all sides of the issue. The practice of cancelling a hearing pursuant to agreement between the objector and the petitioner circumvents the Board's review of the issues and may result in a grant of variance that is beneficial to the objector and the petitioner but not to the environment.

  
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Joan G. Anderson  
Board Member

  
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Irvin G. Goodman  
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 17<sup>th</sup> day of August, 1981.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board