

ILLINOIS POLLUTION CONTROL BOARD
July 26, 1982

WASTE MANAGEMENT OF ILLINOIS,)
INC., a Delaware Corporation,)
)
Petitioner,)
)
v.) PCB 82-55
)
BOARD OF SUPERVISORS OF)
TAZEWELL COUNTY,)
)
Respondent.)

DISSENTING STATEMENT (by J.D. Dumelle):

My reason for dissenting on today's order voted by the majority and from the July 21 denial order is because sufficient time did in fact exist in which to hold the additional hearing requested. From July 21 to August 6 totals 17 days. This was a more than sufficient period in which to have the hearing, receive expedited copy, and decide the case.

Expunging the sentence in the order of July 21 referring to the "insufficient time" does not change the fact that this sentence was enacted as the then stated reason for denial.

Today the Board now seems to feel that denial is necessary because matters of record content and/or fundamental fairness could have been the subject of an additional hearing and that these reasons were not alleged by the City of East Peoria. East Peoria is a city of only 22,083 persons. Its city attorney is most probably part-time. Because he may not have fashioned the perfect pleading in the pressure of time is no reason not to grant the hearing. Conditions could have been placed upon evidence to be presented at the additional hearing all in accordance with the Board's statutory charge.

What is at stake here, in East Peoria's view, is the preservation of their drinking water aquifer. I would have allowed the additional hearing subject to proper conditions.


Jacob D. Dumelle
Chairman

I, Christan L. Moffett, hereby certify that this Dissenting Statement was filed on the 26th day of July, 1982.


Christan L. Moffett, Clerk
Illinois Pollution Control Board