ILLINOIS POLLUTION CONTROL BOARD
July 19, 1984

QUAKER OATS COMPANY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-107
	)	
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

CONCURRING OPINION (by J. D. Dumelle):

The Board majority opinion seems to partly base the denial of the instant variance upon a reference to a "retroactive variance" (p. 3 of the Opinion).

The initial petition filed August 5, 1983 requested variance "for a period of 15 months from the date the Board issues its ruling." That certainly is not a request for a retroactive variance.

The First Amended Petition was filed on January 11, 1984. The period requested was from "the present" until May 1, 1984. Thus it appears that the amended petition was requesting variance for the January 11, 1984 through May 1, 1984 period.

I do not feel that because the Board, with its own workload problems, did not decide this case sooner that the "retroactive variance" doctrine should be given any substantial weight. The case appears on the Board's April 19 "pending" list but was not decided until fully three months later.

Jacob D. Dumelle

Jacob D. Dumelle, Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 24th day of July, 1984.

Dorothy M. Gunn

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board