

ILLINOIS POLLUTION CONTROL BOARD
September 27, 1990

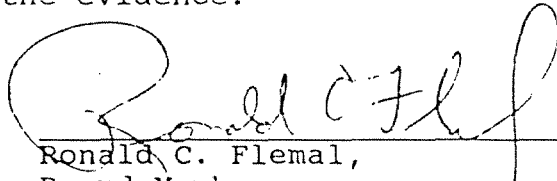
INDUSTRIAL FUELS & RESOURCES/)
ILLINOIS, INC.,)
)
Petitioner,)
)
v.) PCB 90-53
) (SB 172 Siting)
CITY COUNCIL OF THE CITY)
OF HARVEY,)
)
Respondent.)

DISSENTING OPINION (by R.C. Flemal):

I dissent from today's majority Opinion in this matter as regards: (1) the analysis presented in support of affirmation of Respondent's decision on criterion #1, and (2) both the analysis and conclusion reached by the majority regarding Respondent's decision on criterion #6.


The majority's analysis inappropriately limits the authority of a local review body to consider the merits of the "area intended to be served". A local review body must have authority to accept or reject a service area as defined by the applicant, or else criterion #1 loses all meaning.

I disagree with the majority's conclusion regarding criterion #6 in that I cannot find that Respondent's decision was against the manifest weight of the evidence.



Ronald C. Flemal,
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 2nd day of October, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board