

ILLINOIS POLLUTION CONTROL BOARD  
December 15, 1983

BROWNING-FERRIS INDUSTRIES, INC.	)	
OF IOWA,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 83-85 and
	)	PCB 83-88 through
ILLINOIS ENVIRONMENTAL	)	PCB 83-96
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

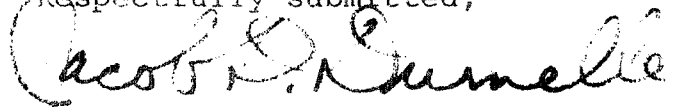
CONCURRING OPINION (by J. D. Dumelle):

My reason for concurring is that the language of the Board Opinion is too sweeping. On p.5 the sentence appears, "The Board finds that the Agency denial of supplemental permit was correct as the record does not indicate that an SB 172 local approval process had at any time occurred" (emphasis added).

This sentence can be easily read to refer to site approval of the development permit issued August 28, 1981. In fairness to Browning-Ferris Industries this was not an issue in these instant cases. The record is silent but for good reason.

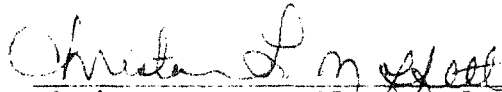
I would have preferred to explicitly state that the record in this case is insufficient to establish with certainty that there was no local government approval of the development permit.

Respectfully submitted,



Jacob D. Dumelle  
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Concurring Opinion was filed on the 30<sup>th</sup> day of December 1983.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board