

ILLINOIS POLLUTION CONTROL BOARD
September 1, 1977

WINNETKANS INTERESTED IN PROTECTING)
THE ENVIRONMENT (WIPE),)
)
Complainant,)
)
v.)
)
VILLAGE OF WINNETKA,)
)
Respondent.)

PCB 75-363

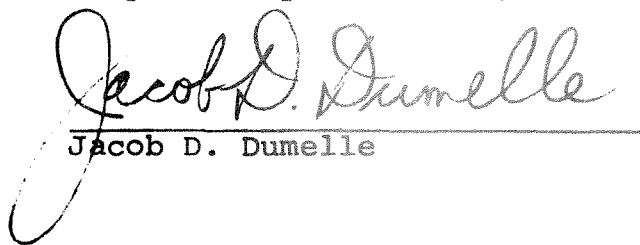
CONCURRING OPINION (by Mr. Dumelle):

While I agree with the essence of the decision in this cause, I do not agree with the dismissal of Count II on the narrow legal grounds that ownership of Boiler No. 7 was not stipulated.

Boiler No. 7 has been before this Board in other proceedings and the Board could have taken note of those prior proceedings. Boiler No. 7 has had testimony generated about it in this proceeding and no one has stated that the Village of Winnetka did not own it.

Finally, if Boiler No. 8 (the main issue in this cause) is in fact owned by the Village, is it not logical that Boiler No. 7 in the same power plant is also owned by the Village?

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Concurring Opinion was submitted on the 23RD day of September, 1977.



Christan L. Moffett, Clerk
Illinois Pollution Control Board