

ILLINOIS POLLUTION CONTROL BOARD
October 9, 1986

ALTON PACKAGING CORPORATION,)
)
 Petitioner,)
)
 v.) PCB 86-71
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

MR. EDWARD M. PYATT APPEARED ON BEHALF OF THE PETITIONER; AND

MR. RICHARD C. WARRINGTON, JR. AND MR. JIM FROST APPEARED ON
BEHALF OF THE RESPONDENT.

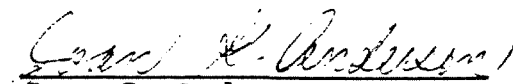
CONCURRING OPINION (by J. Anderson):

I do not agree with the reasons given in the Board's Opinion
for excluding the Army Corps of Engineers as a co-petitioner.

The Corps' project is not taking place at Alton Packaging's
behest. Alton Packaging has no control over, and thus no way of
"maintaining compliance" with, the 45 day or less time limit
included as a condition of this variance. (Opinion and Condition
No. 1 of Order, p. 5)

It would have been far more reasonable, I believe, to have
either a) retained the Corps as a co-petitioner or b) tied the
time limit to the completion of the Corp's work. As it is, I
must trust that the Corps will take whatever steps that are
necessary to assure that Alton Packaging is not placed in the
untenable position of violating a Board regulation and its NPDES
permit because the Corps took longer than 45 days.

For these reasons, I concur.


Joan G. Anderson
Member of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 10th day of October, 1986.

Dorothy M. Gunn 1986
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board