

ILLINOIS POLLUTION CONTROL BOARD
May 4, 1995

MEDICAL DISPOSAL SERVICES, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 95-75
)	PCB 95-76
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	(Permit Appeals - Air Land) (Consolidated)
)	
Respondent.)	

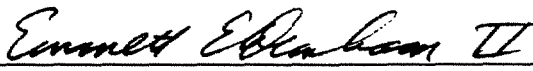
DISSENTING OPINION (by E. Dunham):

I respectfully dissent from the majority order in this matter because I believe siting approvals are freely transferable. Therefore, I would have granted petitioner's motion for summary judgment.

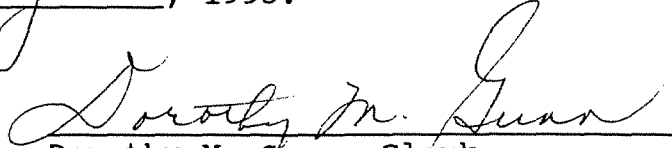
I agree with the dissent of Member Meyer. I would add only that I believe the Board's reliance on the statutory use of the term "applicant" in both the siting approval and permit application contexts is overly narrow. As Member Meyer stated, the Section 39(c) prohibition is against a permit issuance by the Agency "... unless the applicant submits proof to the Agency that the location of said facility has been approved by the County Board ..." (emphasis added).

Neither Petitioner nor Respondent claim that the "location of said facility" has not received the requisite approval under the Act.

For these reasons, I respectfully dissent.


Emmett Dunham II
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the 18th day of May, 1995.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board