

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1990

THE NUTRASWEET COMPANY and	)	
CONSUMERS ILLINOIS WATER	)	
COMPANY,	)	
	)	
Petitioners,	)	
	)	PCB 88-84
v.	)	(Variance)
	)	
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

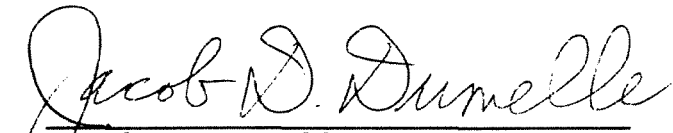
CONCURRING OPINION (by J.D. Dumelle):

My reason for concurring lies in the extreme age of this proceeding. The Board handed down its initial decision in this matter on December 15, 1988. That is more than 2 years ago.

The pertinent Board rule, 103.241, only allows one year for motions of this type. Why then the delay? Nutrasweet could have asked for expedited consideration of AS 89-3 any time after May, 1990. It did not do so.

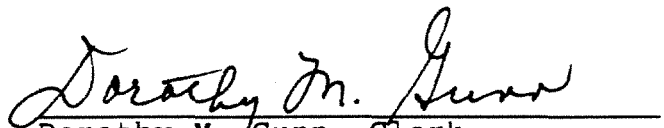
The Board itself is partly at fault for not promptly processing AS 89-3. But the Board has many cases it cannot get to because of manpower limitations. It works on the wheels that squeak the loudest. The Petitioners should have squeaked.

For this reason, I concur.

  
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 Jacob D. Dumelle, P.E.  
 LCDR-CEC-USNR (Ret)  
 Board Member

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Concurring Opinion was submitted on the 28<sup>th</sup> day of December, 1990.

  
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 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board