

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1991

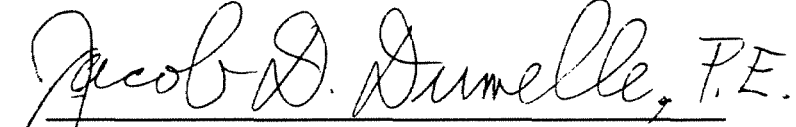
JOSEPH B. STRATTON, and)
PAMELA J. STRATTON,)
)
Complainants,)
)
v.) PCB 90-108
) (Enforcement)
)
CHARLES M. ROCK, and)
LITTLE CAESAR'S PIZZA,)
)
Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

The majority has reopened this case without citing a procedural rule existing allowing such an action. The Board Order and Opinion of May 9, 1991 was intended to be a final order in that case.

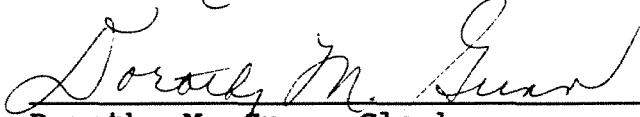
To reopen a final order absent a rule on point or a construction of rule imperils all Board final orders. The Board itself has fought successfully attempts to appeal interim orders arguing that final orders are the only ones subject to appeal.

Yet here a final order is thrown aside without any legal reasoning whatsoever. I would have construed the complainants' August 26, 1991 letter as a motion subsequent to entry of final order (Section 103.240) and waived the late filing date.



Jacob D. Dumelle, P.E.
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 15th day of November, 1991.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board