

ILLINOIS POLLUTION CONTROL BOARD

February 1, 1996

IBP, INC.,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 93-179
	)	(Permit Appeal-NPDES)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

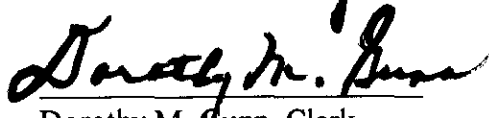
Concurring Opinion (by J. Yi):

I respectfully concur with the majority's opinion and order in this matter. I am in agreement with the majority in that IBP, Inc. (IBP) has demonstrated that the Illinois Environmental Protection Agency (Agency) should have utilized a sulfate effluent data set that included the data point of 1808 mg/l in preparing IBP's National Pollution Discharge Elimination System permit. However, I believe the majority made several irrelevant statements in the opinion concerning the Agency permit writing process. The issue before the Board, as framed by the parties, was whether the data point of 1808 mg/l of sulfate should have been utilized by the Agency. The majority opinion discusses matters which were not at issue before the Board.

For these reasons, I respectfully concur.

  
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Joseph Yi,  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was filed on the 15<sup>th</sup>, day of February, 1996.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board