

ILLINOIS POLLUTION CONTROL BOARD  
July 11, 1985

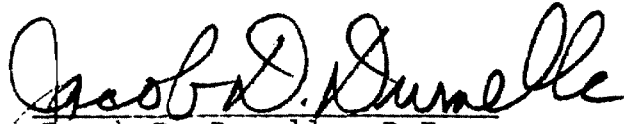
BRUCE JACOBSON and )  
KATHRINE JACOBSON, )  
 )  
Complainants, )  
 )  
v. ) PCB 85-30  
 )  
KATHLEEN GIENCKE, )  
 )  
Respondent. )


DISSENTING OPINION (by Messrs J.D. Dumelle and Walter J. Nega)

For the reasons enumerated by Chairman Dumelle in his Dissenting Opinion in Chemetco, Inc., PCB 83-2, February 20, 1985, we dissent.

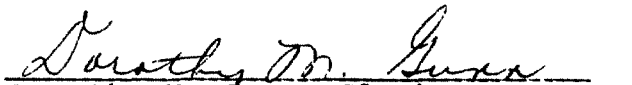
This simple "consent order" should have been accepted and the instant litigation ended. Both parties agreed on a joint and satisfactory solution to the environmental problem alleged.

A bare majority of this Board has rejected this proposed solution on a strained and narrow interpretation of the Board's power. There are a great many more important issues for this Board to spend its time upon than a residential wood stove and an agreement to not use it.

  
Jacob D. Dumelle, P.E.  
Chairman

  
Walter J. Nega  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 16th day of July, 1985.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board