## ILLINOIS POLLUTION CONTROL BOARD November 7, 1985

NATIONAL MARINE SERVICE, INC.,	)
Petitioner,	)
۷.	) PCB 85-108
ILLINOIS ENVIRONMENTAL, PROTECTION AGENCY,	)
Respondent.	)

CONCURRING OPINION: (by J. Anderson and J. Marlin)

While we support the outcome in this case, we have two concerns regarding the supporting opinion:

The reasoning supporting the Board's findings that 1. National Marine is not a commercial establishment might also have included statements that a) the use of the boiler is completely dissimilar to a boiler used primarily for heating or reheating furnace systems, and thus is not the sort of device contemplated by the Section 201.146 exemption, and b) the Board's finding is buttressed by the fact that Section 201.146(c), by tying together residential with commercial establishments, clearly contemplates commercial uses more similar in nature to residential uses, which is not the case here.

2. The Opinion, when noting that the use of the term "marine" can be construed as relating to the "the navigation of the sea", might have made clear that, as that term as used in Section 201.146(c), it obviously includes inland waters; otherwise, the rule would have little meaning in Illinois.

oan G. Anderson, Board Member

C. Marlin, Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 64 day of december, 1985.

henn Torothy M. Dorothy M. 'Gunn, Clerk

Illinois Pollution Control Board