

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1999

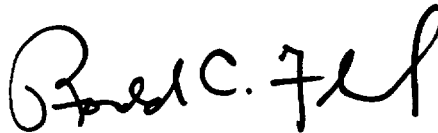
UNION OIL COMPANY OF CALIFORNIA)
d/b/a UNOCAL, a California corporation,)
)
Complainant,)
)
v.)
)
BARGE-WAY OIL COMPANY, INC.,)
BARGEWAY SYSTEMS, INC.,)
JOSEPH KELLOGG, GERTRUDE)
KELLOGG, NIELSEN'S BARGEWAY,)
ROBERT NIELSEN, ROBERT F. ATKINS,)
and MOBIL OIL COMPANY,)
)
Respondents.)

PCB 98-169
(Enforcement - UST, Citizens)

DISSENTING OPINION (by R.C. Flemal):

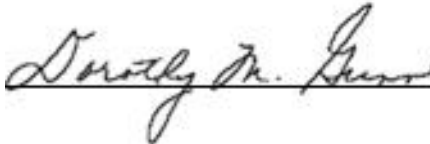
I believe that the Environmental Protection Act does not give the Board authority to hear private cost-recovery actions. This matter should be dismissed for lack of jurisdiction.

For this reason, I dissent.



Ronald C. Flemal
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the 8th day of January 1999.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board