

ILLINOIS POLLUTION CONTROL BOARD  
July 17, 1975

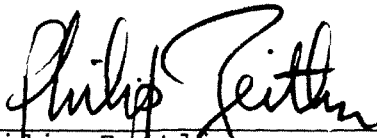
LUCILLE WATHEN, )  
Complainant, )  
 )  
v. ) PCB 74-482  
 )  
MAE V. CHANDLER, )  
Respondent. )

DISSENTING OPINION (by Mr. Zeitlin):

The Opinion of the Board concludes that unreasonable interference under Rule 102 of Chapter 8 has been established. My reading of the Wathen's and Chandler's testimony appears to be equally convincing and acceptable. The testimony of the EPA witness must be discounted, both on the method of testing and conclusionary value of the tests, in determining whether there has been a numerical violation of the Board's Rules.

The Board Opinion suggests that Respondent install a barrier or baffle near the air conditioning unit to deflect the emissions back towards Respondent's own property. Notwithstanding the lack of evidence as to the amount of hardship any of these methods would place upon Respondent, the record is silent that these methods would indeed resolve the difficulties herein.

I must conclude that the weight of the evidence does not show a Rule 102 violation, that the factors enumerated in Section 33(c) of the Act have not been proven, and that unreasonable interference therefore has not been established.

  
Philip Zeitlin  
Member of the Board

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Dissenting Opinion was filed this 23<sup>rd</sup> day of July, 1975.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board