

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2003

ILLINOIS AYERS OIL COMPANY,)
)
 Petitioner,)
)
 v.) PCB 03-214
) (UST Appeal)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
 Respondent.)

DISSENTING OPINION (by T.E. Johnson):

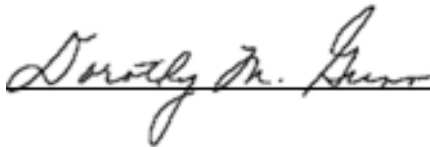
I respectfully dissent from the majority opinion. Upon review of the December 2, 2003 hearing officer order and the agreements set forth by the parties, I would overrule the December 2, 2003 Hearing Officer Order and grant petitioner's motion to compel discovery. Based upon the Board's procedural rules, specifically, 35 Ill. Adm. Code 101.616(a), I believe the information requested to be relevant or calculated to lead to relevant information, and therefore, properly discoverable.

For the above-stated reason, I respectfully dissent.



Thomas E. Johnson
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above dissenting opinion was submitted on December 22, 2003.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board