

ILLINOIS POLLUTION CONTROL BOARD

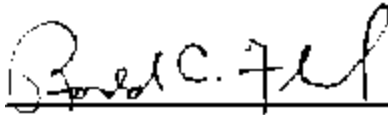
July 22, 1999

UNION OIL COMPANY OF CALIFORNIA d/b/a)
UNOCAL, a California corporation,)
)
Complainant,)
)
v.) PCB 98-169
) (Enforcement - UST, Citizens)
BARGE-WAY OIL COMPANY, INC., BARGEWAY)
SYSTEMS, INC.,)
JOSEPH KELLOGG, NIELSEN'S BARGEWAY,)
GERTRUDE KELLOGG, ROBERT NIELSEN,)
ROBERT F. ATKINS, and MOBIL OIL COMPANY,)
)
Respondents.)
)

DISSENTING OPINION (by R.C. Flemal):

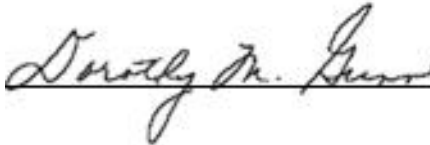
Although I agree with the legal analysis in today's majority order, I respectfully dissent from the order because I do not believe the Environmental Protection Act grants the Board the authority to hear third-party cost recovery cases.

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 26th day of July 1999.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board