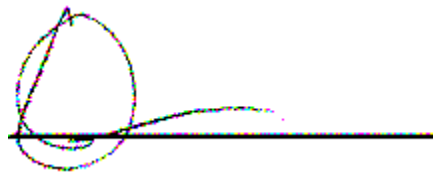




requirements of this Act. 415 ILCS 42(h)(2) (2000). Panhandle's diligence in attempting to comply with the Act was clearly impacted by the Agency's actions in this matter.

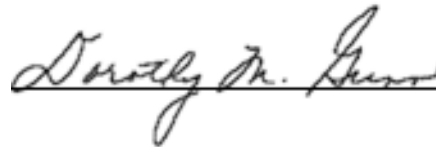
It is the responsibility of all companies doing business in Illinois to determine whether they are complying with Illinois' environmental laws. I want to stress that by dissenting I am not intending to make the Agency responsible for failing to monitor a permittees' emissions. However, for the reasons articulated in this dissent, I believe that any penalty assessed must be mitigated because the Agency's actions impacted Panhandle's belief that it was in compliance. Where there is reliance on an inspection report with a finding of no violation, a corresponding mitigation in penalty is appropriate.

For the above stated reasons, I respectfully dissent.

A handwritten signature in blue ink, consisting of a large, stylized initial 'T' followed by a horizontal line extending to the right.

Thomas E. Johnson

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that I received the above dissenting opinion on November 19, 2001.

A handwritten signature in blue ink, written in a cursive style, reading 'Dorothy M. Gunn'.

Dorothy M. Gunn  
Illinois Pollution Control Board