

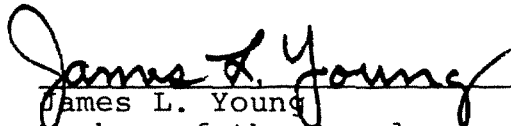
ILLINOIS POLLUTION CONTROL BOARD
July 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 75-356
)
HAROLD K. FASSETT, HENRY W. FASSETT,)
and J. P. WETHERBY CONSTRUCTION CORP.,)
a Delaware Corporation,)
)
Respondents.)

DISSENTING OPINION (by Mr. Young):

I respectfully dissent from the Opinion and Order of the Board in this matter.

I believe that the Board incorrectly reconsidered and reduced the penalty previously assessed against Respondents Harold K. and Henry W. Fassett while at the same time denying such reconsideration to Respondent J. P. Wetherby Construction Corporation. In my opinion, the matters considered in mitigation by the Board in respect to Respondents Harold K. and Henry W. Fassett equally applied to Respondent J. P. Wetherby Construction Corporation and their Motion for Reconsideration should have been allowed. I do not believe the record will support the disparity of penalties assessed by the Board in this matter.


James L. Young
Member of the Board

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 29th day of July, 1976.


Christan L. Moffett, Clerk
Illinois Pollution Control Board