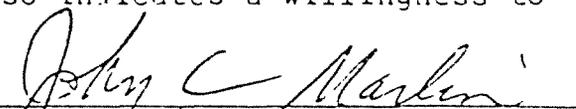


ILLINOIS POLLUTION CONTROL BOARD
May 10, 1990

WILL COUNTY ENVIRONMENTAL)
NETWORK)
Complainant,)
v.) PCB 89-64
GALLAGHER ASPHALT) (Enforcement)
Respondent.)

CONCURRING OPINION (by J. C. Marlin):

The attachments to Respondent's April 30 motion do not specifically state that they intend to begin implementing the Phase I program prior to hearing. However that seems to be the intent. My vote for the hearing is based on the belief that Gallagher will be working toward compliance prior to the hearing and that the hearing is geared to "fine tuning" the plan rather than delaying compliance. The good faith shown by getting OSHA to agree to eliminating the back-up alarm and the replacement of much of the plant's machinery also indicates a willingness to solve the problem.


John C. Marlin

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 14th day of May.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board