

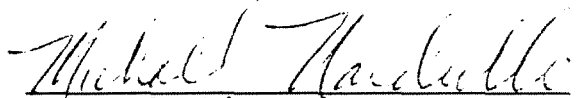
ILLINOIS POLLUTION CONTROL BOARD  
October 29, 1992

RONALD E. TEX and SUSAN D. TEX,	)	
	)	
Complainants,	)	
	)	
v.	)	PCB 90-182
	)	(Enforcement)
	)	
S. SCOTT COGGESHALL and	)	
COGGESHALL CONSTRUCTION COMPANY,	)	
CHESTER BROSS, MIKE BROSS,	)	
JEFF BROSS and CHESTER BROSS	)	
CONSTRUCTION COMPANY,	)	
	)	
Respondents.	)	

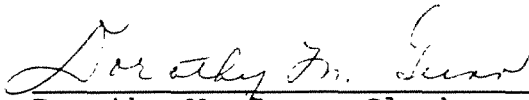
CONCURRING OPINION (by M. Nardulli):

I agree with the majority's finding of a numerical noise violation. However, after weighing the 33(c) factors (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1033(c)), I would have also found that complainants established that respondents' noise and dust emissions unreasonably interfered with the enjoyment of complainants' property.

Therefore, I concur.

  
 M. Nardulli  
 Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was filed on the 2<sup>nd</sup> day of November, 1992.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board

0137-0031