

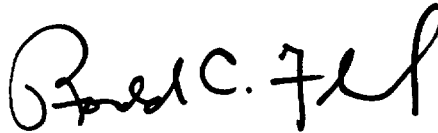
ILLINOIS POLLUTION CONTROL BOARD
February 18, 1999

EDWARD MALINA,)	
)	
Complainant,)	
)	
v.)	PCB 98-54
)	(Enforcement - UST, Citizens)
JEAN DAY,)	
)	
Respondent,)	

DISSENTING OPINION (by R.C. Flemal):

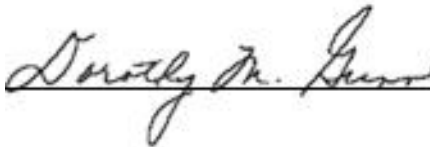
I believe that the Environmental Protection Act does not give the Board authority to hear private cost-recovery actions. This matter should be dismissed for lack of jurisdiction.

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 18th day of February 1999.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board