

ILLINOIS POLLUTION CONTROL BOARD  
November 20, 1997

ENVIRONMENTAL SITE DEVELOPERS, )  
INC., an Illinois corporation, )  
 )  
Complainant, ) PCB 96-180  
 ) (Enforcement - Water - Citizens)  
v. )  
 )  
WHITE & BREWER TRUCKING, INC., an )  
Illinois corporation, )  
 )  
Respondent. )

DISSENTING OPINION (by G.T. Girard and J. Theodore Meyer):

We dissent from the order because we would deny the motion for summary judgment in its entirety. On the issue of whether or not Section 12(f) of the Act has been violated by respondent, we believe there are still genuine issues of fact to be considered. Therefore, we believe it is premature to find respondent in violation of Section 12(f) of the Act.

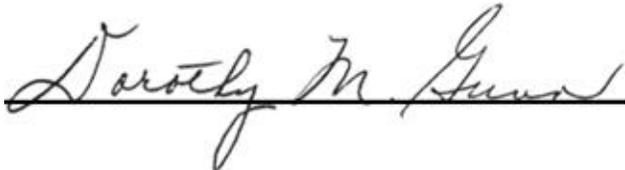


J. Theodore Meyer



G. Tanner Girard

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the 20th day of November, 1997.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board