

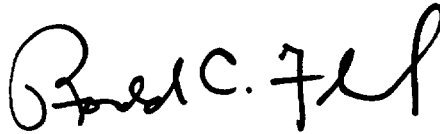
ILLINOIS POLLUTION CONTROL BOARD
September 17, 1998

IN THE MATTER OF:)
)
PETITION OF CITY OF SALEM FOR AN) AS 98-2
ADJUSTED STANDARD FROM 35 ILL. ADM.) (Adjusted Standard - Land)
CODE PART 814, SUBPART D.)

DISSENTING OPINION (by R.C. Flemal):

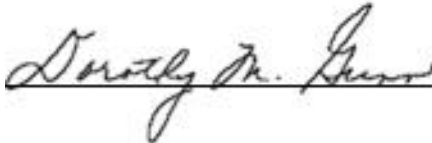
I respectfully disagree with today's decision to deny the motion for reconsideration. In ruling upon a motion for reconsideration, the Board is to consider factors including, but not limited to, error in the previous decision and facts in the record which are overlooked. 35 Ill. Adm. Code 101.246(d). I believe the previous decision to deny the adjusted standard was in error. The petition adequately set forth the four criteria required in Section 28.1(c) of the Illinois Environmental Protection Act (415 ILCS 5/28.1(c) (1996)). Therefore, the petition should have been granted.

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 September 1998.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board