

ILLINOIS POLLUTION CONTROL BOARD
July 18, 1996

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 96-202
) (Enforcement - Air)
 DONALD AND ROBERT HASTIE, d/b/a)
 HASTIE TRUCKING AND MINING)
 COMPANY, a Partnership,)
)
 Respondent.)
)

DISSENTING OPINION (by J. Theodore Meyer):

I dissent in this matter to bring to the attention of the Attorney General the difference in penalty amounts appearing in settlement agreements filed with the Board. The agreements voted upon today provide the typical disparity I am observing of late. The parties in this case agreed upon a penalty of \$3,000.00 for causing or allowing air pollution, causing or allowing excessive emission of particulate matter, failure to comply with new source performance standards and failure to submit annual emission reports. The penalty in PCB 96-2 was \$6,000.00 for operating without a permit and failure to submit annual emission reports. There seems to be no explanation for one respondent being subject to twice the penalty amount than another for similar violations, especially when the respondents liable for the lesser penalty admitted to more numerical violations. Perhaps a uniform system of penalty amounts for classes of violations could be implemented so that the regulated community is not inclined to think it is subject to arbitrary civil penalties.

For these reasons, I respectfully dissent.

J. Theodore Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the ____ day of _____, 1996.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board