

ILLINOIS POLLUTION CONTROL BOARD  
July 18, 1996

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 96-253
	)	(Enforcement - Mine)
MATERIAL SERVICE CORPORATION,	)	
a Delaware corporation,	)	
	)	
Respondent.	)	
	)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent in this matter to mention that I have noticed disparate amounts in civil penalties being imposed by the Attorney General. Specifically, in this case, Material Service Corporation agreed to pay \$5,000.00 for failing to obtain both a state mining construction permit and a state mining operating permit. This same day, a \$10,000 penalty was imposed upon a landfill owner for various violations to its operating permit, including failure to contain litter and failure to control leachate flow. (People of the State of Illinois v. City of Metropolis (July 18, 1996), PCB 96-38.) Although these landfill violations certainly are grave and the penalty sufficient, I believe failure to obtain mining permits to be far more egregious and therefore should be subject to a far stiffer penalty. I urge the Attorney General's office to sincerely consider implementing a penalty tracking system to ensure that the most serious offenses receive the stiffest fines, and that similar violations be subject to similar penalty amounts.

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