

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1980

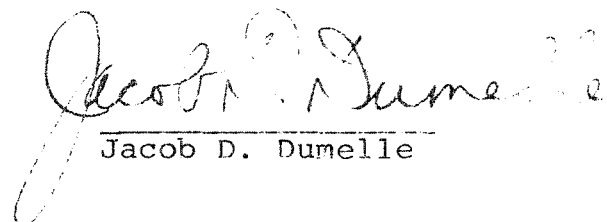
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 79-3
)
 VILLAGE OF RIDGWAY)
 a municipal corporation,)
)
 Respondent.)

Dissenting Opinion (by Mr. Dumelle):


I am dissenting in this cause for two reasons. First, the stipulated penalty of \$750 is high for the offenses charged. This Village has a population of 1,160 persons. On a per capita basis this penalty amounts to \$0.65 for each resident. Would this Board penalize the City of Chicago (3,369,359) the sum of \$2,190,000 for these same offenses? I think not.

Second, the Stipulation states that the parties agree that the penalty is an appropriate civil penalty to prevent Ridgway from deriving economic benefit from noncompliance with its NPDES permit, the Act and Chapter 3 and to aid in the enforcement of the NPDES program, the Act and Chapter 3. (p.7) (emphasis added).

Where in the Illinois Environmental Protection Act is the charge to the Board to levy its penalties so as "to prevent the deprivation of economic benefit from non-compliance"? One may argue that a grant of power such as this is implied in the General Assembly's stated intent that Illinois be eligible for the NPDES program. But it is only implied at best. Specific language does not appear in the Act. For these reasons, I respectfully dissent.


Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Board, do hereby certify that the above Dissenting Opinion was filed with me this 28th day of February, 1980.



Christan L. Moffett, Clerk
Illinois Pollution Control Board