

ILLINOIS POLLUTION CONTROL BOARD
October 16, 1992

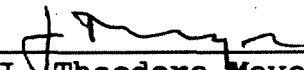
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 92-5
)	Dockets A & B
RONALD D. RAWE and)	(Administrative Citation)
RETHA M. RAWE,)	(IEPA No. 63-92-AC)
)	
Respondents.)	

DISSENTING OPINION (by J. Theodore Meyer and M. Nardulli):

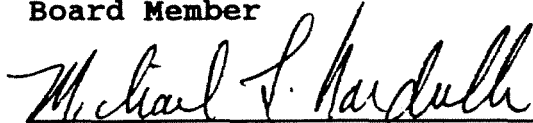
We dissent from the majority's action in this case. As the concurring opinion points out, it appears that respondents engaged in what was, in the past, good farming practice. We recognize that these practices may now technically be a violation under the Environmental Protection Act (Act). We question, however, whether this accumulation of junked cars, used for erosion control, constitutes "litter" in violation of Section 21(q) of the Act.

We question the wisdom of the Illinois Environmental Protection Agency's continuing choice to use Section 31.1 of the Act to enforce against farmers. The Agency has apparently chosen to ignore the thousands of urban areas in the state which also have accumulations of waste.

Therefore, we dissent.

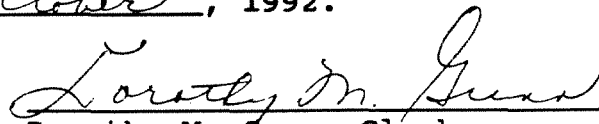


J. Theodore Meyer
Board Member



Michael L. Nardulli
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the 21st day of October, 1992.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0136-0441