

ILLINOIS POLLUTION CONTROL BOARD  
January 21, 1993

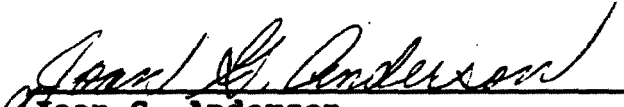
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Petitioner, )  
 )  
v. ) AC 92-5 (A & B)  
 ) (IEPA No. 63-92-AC)  
RONALD D. RAWE and ) (Administrative Citation)  
RETHA M. RAWE, )  
 )  
Respondent. )

CONCURRING OPINION (by J. G. Anderson):

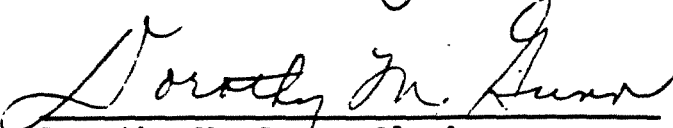
I agree with Board majority's decision today to reverse itself on the question of ownership of parcels 1 and 2. However, I do not wish today's action to obscure the lingering problem presented in this case, as detailed in the earlier concurring opinion of October 16, 1992 by me and G. Tanner Girard.

The concern remains as regards the parcel with the junked cars that were placed in the ravine long ago for erosion control. In this situation, the use of the open dumping provisions via the Administrative Citation process simply frustrates the fashioning of a remedy short of removal of the cars. From a pollution and erosion control perspective, the vegetation and soil disturbance resulting from such removal could prove to be highly counterproductive, particularly if contamination is no longer a problem.

It is for these reasons that I again respectfully concur.

  
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Joan G. Anderson  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was submitted on the 28<sup>th</sup> day of January, 1993.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0138-0533