

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 89-186
)	(Enforcement)
BULK MOLDING COMPOUNDS, INC.,)	
and J.E.C., INC.,)	
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's acceptance of the settlement stipulation in this case.

I believe that the settlement agreement is inadequate. There is no assessment of any economic benefit accrued by respondent because of its delay in compliance with pollution control requirements. Section 33(c) of the Environmental Protection Act requires the Board to consider all facts and circumstances of the action involved, and specifically sets forth six factors. Because the record in this proceeding is utterly bare of any evidence on the economic benefit factor, the Board was unable to undertake even the most cursory review of the appropriateness of the penalty agreed upon by the parties. It is impossible to know if the penalty of \$12,000 even comes close to the savings realized by respondent.

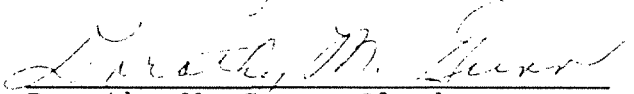
I must also point out that if this case had been brought in the name of the People of the State of Illinois, costs and fees could have been assessed against respondent. Ill.Rev.Stat.1989, ch. 111 1/2, par. 1042(f).

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, hereby certify that the above Dissenting
Opinion was filed on the 31st day of August, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board