

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1982

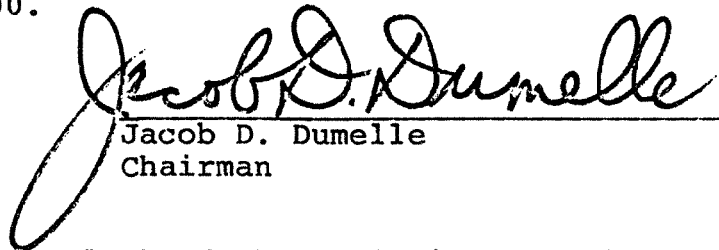
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-145
)
CITY OF CARROLLTON,)
)
Respondent.)

DISSENTING OPINION (By J.D. Dumelle):

My reason for dissenting in this case is the excessive amount of the penalty. The writer of the majority opinion stated that he computed it at "\$1.50 per capita."

This is a small city of 2,866. Its officials are undoubtedly part-time and probably not professional administrators. To levy a penalty of \$1.50 per capita on them means that the Board should also fine Peoria (pop. 126,963) about \$190,500 for the same offenses. Chicago has a population of 3,369,359. Would the Board fine Chicago \$5,055,000 for the same thing? Of course not! Then why do it here?

A small city cannot afford an appeal to the Appellate Court to attempt to get the penalty reduced. Any money penalty to a governmental unit has severe consequences. The council or mayor or both may be turned out of office. Technical help may become scapegoats and be discharged or demoted. Funds are scarce in these small communities and the Board majority's penalty of \$4,300 is excessive. I would have set the penalty at a more reasonable \$1,000 or \$1,500.



Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 27th day of July, 1982.



Christan L. Moffett, Clerk
Illinois Pollution Control Board