

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1978

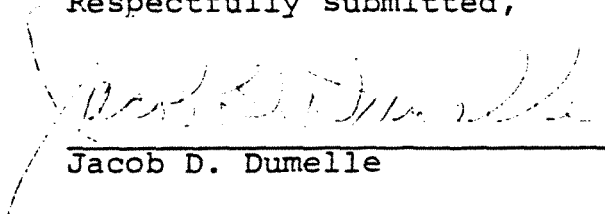
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-85
)
 CORINTH PUBLIC WATER DISTRICT, a)
 public corporation,)
)
 Respondent.)

CONCURRING OPINION (by Mr. Dumelle):

I reluctantly concur in the majority Opinion and Order. The penalty of \$400. is simply too high in view of the circumstances and mitigation which appear in this record. A newly organized water district with inexperienced officers could easily fail to follow up on the certification of its operator. However, to reject the stipulation now would necessitate another hearing. The attendant loss of time and additional legal fees would outweigh any penalty reduction the District might gain.

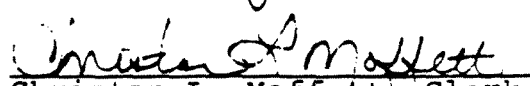
The penalty, in my judgment, should have been \$100. or even zero. The majesty of the State with its appearance of unlimited resources, probably persuaded the District to stipulate to the \$400. penalty. Southern Illinois is not the most prosperous region of Illinois and high penalties for technical violations are not good public policy.

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above concurring opinion was submitted on the 26th day of September, 1978.



Christan L. Moffett, Clerk
Illinois Pollution Control Board