

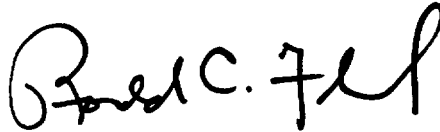
ILLINOIS POLLUTION CONTROL BOARD
June 17, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 97-31
) (Enforcement - Land - Tires)
 JOHNNIE MAE HENDRICKS,)
)
 Respondent.)

CONCURRING OPINION (by R.C. Flemal):

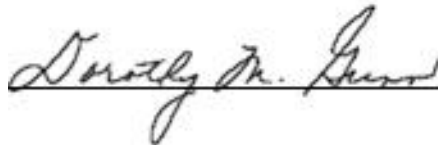
I agree with today's decision regarding the findings of violations and with the imposition of a penalty. I disagree with the method used to calculate the penalty. I do not believe that the record supports the type of penalty calculation used by the Board, and I do not believe that the facts of the penalty cases cited by the Board can be applied to the facts of the case at hand. Moreover, I note that the Attorney General plead for a penalty of "no less than \$5,000" based upon its knowledge of the facts of this case and of the magnitude of penalty that these facts warrant under the Environmental Protection Act. I find no fault with the argument of the Attorney General, and upon that basis would have imposed a penalty more in line with the Attorney General's request.

For these reasons, I concur.



Ronald C. Flemal
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was submitted on the 17th day of June 1998.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board