

ILLINOIS POLLUTION CONTROL BOARD  
March 24, 1983

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 80-151  
 )  
ARCHER DANIELS MIDLAND, a Delaware Corp., )  
 )  
Respondent. )

CONCURRING OPINION (by J. Anderson):

My concern in this case relates to the \$40,000 penalty. In general, I feel that the USEPA formula-oriented approach to determining penalties is hardly the sole means of avoiding the "dartboard" syndrome. In this case, however, I feel that the Agency's conservative adaptation of the USEPA approach in seeking a \$50,000 penalty has merit. Additionally, I fail to perceive any mitigation remaining after the initial discharge episodes.

The Environmental Protection Act has been in force for well over a decade. Yet, this record clearly shows that ADM, for whatever reason, has not fully appreciated its obligation to focus its corporate resources on aggressively, not reactively, seeking ways to comply with the Act, Board regulations, and indeed its own permit.

Under these circumstances, I would have preferred to have placed greater emphasis on the Agency's "it doesn't pay to delay" approach, and accepted its determination that at least \$50,000 was saved.

  
Joan G. Anderson, Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 28<sup>th</sup> day of March, 1983.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board