

ILLINOIS POLLUTION CONTROL BOARD
November 12, 1982

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-13
)
CITY OF ARCOLA, FIRST NATIONAL BANK)
OF ARCOLA, AND J. STANLEY ALLEN,)
)
Respondents.)

DISSENTING OPINION (by D. Anderson and J. Anderson):

The record does not contain any mitigating reasons for Arcola's participation in this matter. Arcola's restricted status dated back to 1974. Even apart from the Agency inspector's July 11, 1979 contact with the buildings' manager, Arcola received copies both of the Agency's August 1, 1979 letter to the manager concerning the need for a permit and its August 20, 1979 letter denying the permit (Ex. B and C). Then Arcola collected fees for the connections to their sewerage system, (Ex. D).

Reasonably stiff penalties are especially needed to deter this tempting "fait accompli" type of hook-on violation during restricted status.

We feel that Arcola's \$750 penalty is insufficient to impress upon a local government that this type of indifference towards the permit process seriously undercuts the enforcement of the Environmental Protection Act and cannot be tolerated.

Therefore we dissent.

Donald B. Anderson
D. Anderson Board Member

James R. Anderson
J. Anderson Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 10th day of November, 1982.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board