

ILLINOIS POLLUTION CONTROL BOARD  
October 30, 1980

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 78-211  
 )  
GUY MARLIN )  
 )  
Respondent. )

CONCURRING OPINION (by J.D. Dumelle and J.G. Anderson):

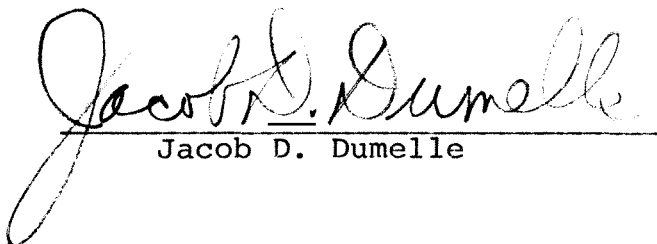
Our reasons for concurring with the stipulated settlement in the instant case lie in the lack of knowledge of the type of wastes spilled, if any, and the indefiniteness of the method of compliance.


The complaint lists certain chemicals alleged to have been present but the stipulation is silent. What were the contents of the barrels and were they hazardous or toxic?

A fire occurred at this site on December 24, 1976. Did any of the barrels burst and did their contents permeate the ground? The stipulation is silent. Are there potable water wells in use nearby? No information is given.

Lastly, the stipulation provides for removal to an "approved site". But no distance is given within which an "approved site" may be designated. Would a site in the Chicago area be suitable for purposes of this stipulation which involves barrels in St. Clair County? On the face of it, it would appear that Mr. Marlin, the respondent, must remove the barrels once given a site anywhere in Illinois. But would he, if the site were a great distance away?

For these reasons we concur in the decision.

  
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Jacob D. Dumelle

  
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Joan G. Anderson

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 3<sup>rd</sup> day of November, 1980.

*Christan L. Moffett*

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Christan L. Moffett, Clerk  
Illinois Pollution Control Board