

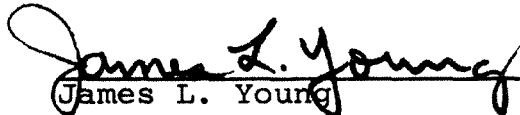
ILLINOIS POLLUTION CONTROL BOARD
May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-18
)
 CITY OF PERU, a municipal)
 corporation,)
)
 Respondent.)

CONCURRING OPINION (by Mr. Young):

Count IV of the Complaint alleges that Respondent caused or allowed paint wastes to be dumped on the site without a permit in violation of Rule 310(b) of the Solid Waste Regulations and of Section 21(b) of the Act. I concur in the finding of the violation of Rule 310(b) as admitted by Respondent in the Stipulation of the parties entered into the record at the hearing. However, in my judgment, violation of Section 21(e) of the Act is more properly charged in an action arising from the violation of Rule 310(b), rather than Section 21(b). Doing so would be consistent with the language of Section 21(e) which expressly provides that no person shall conduct any refuse disposal operations without a permit granted by the Agency. Village of Paw Paw, PCB 75-358 (1976), is consistent with this view.

I concur with the Order of the Board in this matter.


James L. Young

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted on the 21st day of May, 1976.


Christan L. Moffett, Clerk
Illinois Pollution Control Board