

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
)
) Petitioner,)
)
) v.) PCB 78-295
)
) EAST ST. LOUIS,)
)
) Respondent.)

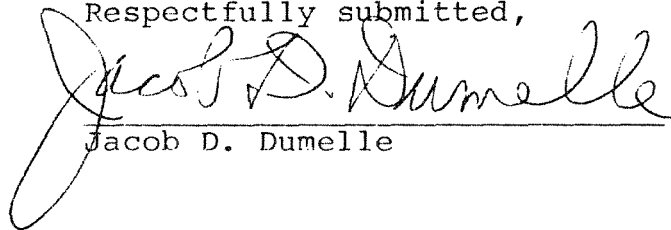
CONCURRING OPINION (by Mr. Dumelle):

My reason for concurring in this matter is the excessive level of the penalty. East St. Louis several years ago was characterized as "living on judgment funding bonds." This record does not address the present financial status but it could not have improved in such a short time.

The Agency first wrote to the City on July 22, 1975 about violations at the landfill. Had it brought its enforcement action sooner than December 4, 1978 it would have shortened the period of violations and thus reduced the penalty.

One cannot draw blood from a turnip nor money from a desperately poor city. The penalty of \$1,000 is excessive.

Respectfully submitted,


Jacob D. Dumelle

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


Christan L. Moffett, Clerk
Illinois Pollution Control Board