ILLINOIS POLLUTION CONTROL BOARD
March 7, 1996

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	PCB 96-61
v.	)	(Enforcement - Land, Mining)
	)	
PAUL J. MAY & SONS, INC. AND	)	
PAUL J. MAY, individually and as	)	
President of Paul J. May & Sons, INc.,	)	
	)	
Respondents.		

DISSENTING OPINION (by J. Theodore Meyer):

I respectfully dissent from the majority's acceptance of this stipulation and settlement agreement. This case involves a company that constructed and operated a mine-related facility without the proper permits from at least 1988, possibly earlier. The penalty agreed upon by the parties was $3,000. I find this penalty amount to be inadequate in light of the length and type of violation committed by respondents, especially in comparison to another stipulation and settlement agreement approved today by the Board.

In People of the State of Illinois v. Harper-Wyman Company, (March 7, 1996) PCB 96-32, the Board approved a penalty amount of $13,000 for a violation of Section 21(i) of the Illinois Environmental Protection Act for failure to file its hazardous waste annual report in a timely fashion. How can a late filing justify a penalty $10,000 higher than one imposed for constructing and operating a mine without permits?

Acknowledging the fact that the Board is not in a position to impede the settlement process between parties, I do believe we have an obligation to look at the sufficiency of a penalty, and to point out inconsistencies between the type of violation committed and the amount of the penalty agreed upon.

For these reasons, I dissent.

J. Theodore Meyer

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting order was filed on the 8th day of March, 1996.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board