

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 89-155
)	(Enforcement)
DECOR GRAVURE CORPORATION,)	
an Alabama corporation,)	
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's acceptance of the settlement stipulation in this case.

Although the proposed settlement agreement states that respondent's noncompliance was economically beneficial in that it was able to delay purchase of the VOM control equipment, there is not any specific information on the amount of that economic benefit. Section 33(c) of the Environmental Protection Act specifically requires the Board to consider any economic benefits accrued by noncompliance. I believe that this provision contemplates a consideration of the amount of the economic benefit, not just a statement that that an economic benefit was realized. Without more specific information, it is impossible to know if the penalty of \$8,000 even comes close to any savings realized by respondent.

Finally, I must point out that if this case had been brought in the name of the people of the State of Illinois, costs and fees could have been assessed against respondent. Ill.Rev.Stat.1989, ch. 111 1/2, par. 1042(f).

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 31st day of August, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board