

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1971


ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) #PCB70-18
)
 CONTAINER STAPLER CORPORATION,)
 FEDERAL WIRE MILL CORPORATION,)
 and CITY OF HERRIN)
)

Dissenting Opinion (by Mr. Dumelle):

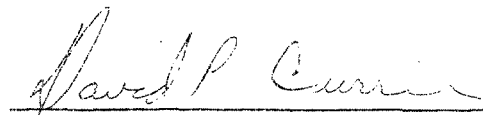
We disagree with the majority opinion (by Mr. Lawton) which while finding Container Stapler Corporation guilty of discharging cyanide did not assess a monetary penalty. We feel that a penalty of at least \$1,000 should have been imposed.

The handling and use or storage of any dangerous and toxic material such as in this case, cyanide, or hydrogen sulfide, or strychnine or phosgene implicitly places a responsibility upon the user to monitor his effluents. Because a Pfaudler process is supposed to not let cyanide escape does not mean that it will in fact function as designed.

Container Stapler Corporation flatly violated a specific Illinois regulation prohibiting cyanide discharges. If this were a similar case involving far less dangerous dense smoke or open burning in a dump the Board would probably have assessed a fine. We feel it should have done so in this case.

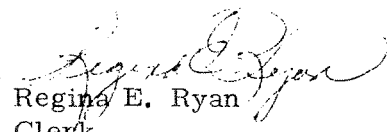


Jacob D. Dumelle, Member
Illinois Pollution Control Board



David P. Currie, Chairman
Illinois Pollution Control Board

I, Regina E. Ryan, Clerk of the Illinois Pollution Control Board,
certify that Mr. Jacob D. Dumelle and Mr. David P. Currie submitted
a Dissenting Opinion in the above listed case, on the 16th day of March,
1971.


Regina E. Ryan
Clerk
Illinois Pollution Control Board