

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1998

DONETTA GOTT, LYNDELL CHAPLIN,)
GARY WELLS, ERNEST L. ELLISON, and)
MAXINE ELLISON,)
)
Complainants,)
)
v.)
)
M'ORR PORK, INC., an Illinois Corporation,)
)
Respondent.)

PCB 96-68
(Enforcement - Air - Citizens)

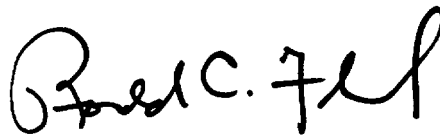
DISSENTING OPINION (by R.C. Flemal):

I dissent from today's majority final opinion and order in this matter.

The majority today affirms its earlier holding that M'Orr Pork has caused unreasonable interference with the complainants' enjoyment of life and property. I disagreed with this holding when it was initially made, and I disagree with it still.

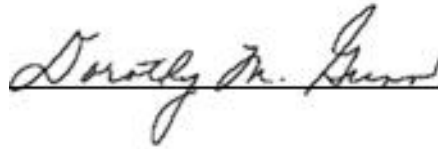
Furthermore, I take exception with the imposition of a civil penalty. M'Orr Pork not only has voluntarily sought measures to maintain a good-neighbor relationship, it has taken every action that the Board has demanded. It has taken these actions timely and responsively. It has invested substantial sums, as the Board acknowledges, in "numerous odor controls" (majority opinion at p. 14), with much of the expense of a continuing nature.

Under these circumstances there is no justification for further penalizing M'Orr Pork. There is nothing to be gained by the complainants, the State, or society.



Ronald C. Flemal
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on the 16th day of April 1998.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board