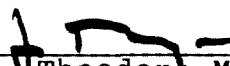


ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1988

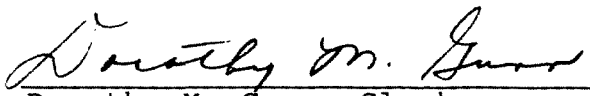
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 85-136  
 )  
NAVEM PATEL, ERIC OTTEN, )  
CLARENCE MITCHELL, and )  
J. B. JOHNSON, )  
 )  
Respondents. )

CONCURRING OPINION (by J. Theodore Meyer):

I concur in the findings of violation and the amount of the penalties imposed by the majority. However, I must once again voice my concern about the manner in which penalties for violations of the Environmental Protection Act (Act) are set by the Board. There are no standards set forth by which the Board can act to impose penalties in a somewhat consistent manner, other than an instinctive weighing of the circumstances of a particular case. I recognize that the articulation of such standards is a difficult task, but I feel that an attempt must be made. At a minimum, the guidelines of Sections 33(c) and 42 of the Act should be explicitly applied to the facts of each case.

  
\_\_\_\_\_  
J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 10<sup>th</sup> day of February, 1988.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board