

ILLINOIS POLLUTION CONTROL BOARD
January 11, 1990

WILL COUNTY ENVIRONMENTAL NETWORK,)	
)	
Petitioner,)	
)	
v.)	PCB 89-64
)	(Enforcement)
GALLAGHER BLACKTOP,)	
)	
Respondent.)	

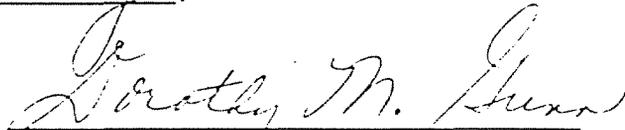
DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority opinion in this matter, in which the majority found a violation of the Board's noise pollution regulations and ordered Gallagher to prepare and submit a report evaluating possible noise reductions. I am disturbed by the increasing number of citizen enforcement complaints received by the Board, especially those involving noise pollution problems. Because the Illinois Environmental Protection Agency (Agency) is not involved in these cases, no state inspector ever visits the location of the problems to evaluate the claims. The Board is left in the position of having only the claims of the two opposing parties, and no independent verification of the true situation. Additionally, ordinarily no negotiation occurs between the parties, and thus the Board must order some type of relief which it has created. As a result, the Board is left as both the policeman and the judge in these cases. I believe that this situation is improper.

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 11th day of January, 1990.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board