

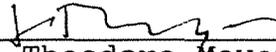
ILLINOIS POLLUTION CONTROL BOARD
October 5, 1995

COUNTY OF WILL,)	
)	
Complainant,)	
)	
v.)	AC 94-98
)	AC 95-1
CDT LANDFILL CORP.,)	AC 95-2
)	(Administrative Citation)
Respondent.)	(WC 94AC2, WC 94AC3, WC 94AC5)

DISSENTING OPINION (by J. Theodore Meyer):

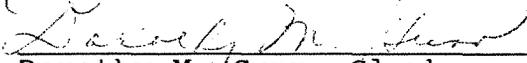
I dissent from today's interim opinion and order because landfills subside over time so, practically speaking, there will be times when waste will exceed the height limit. In addition, an administrative citation is similar to a criminal case in that there are serious ramifications to being cited for violating the Environmental Protection Act, namely, fines that could total thousands of dollars. As such, the evidence relied upon when imposing an administrative citation penalty should be more conclusive than simply comparing the contour elevation of the landfill to the height of a commercial truck.

For these reasons, I respectfully 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 16th day of November, 1995.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board