

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1991

KATHY WESTERN AND JEFFREY WESTERN,)
)
 Complainants,)
)
 v.) PCB 89-44
) (Enforcement)
)
 MOLINE CORPORATION,)
)
 Respondent.)

ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 89-87
) (Enforcement)
)
 MOLINE CORPORATION,)
)
 Respondent.)

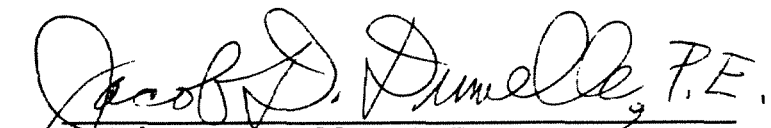
DISSENTING OPINION (by J.D. Dumelle):

The Stipulation on p. 13 in paragraph E states "...it utilized its non-compliant equipment from at least 1974 until October 1, 1989 without the delay and cost of implementing the proper control equipment."

Those 15 years of uncontrolled emission involved at least 5 pieces of equipment. These are a 40,000 cfm baghouse, wheelabrator, sand silos (actual number not given beyond the plural ending) and the sand silo baghouse.

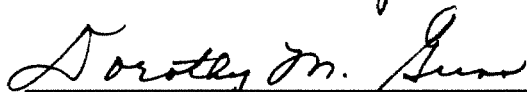
Using a penalty of \$1,000 per permit-year missed as a minimum the 15 years for 5 pieces of equipment comes to \$75,000. And that is without a penalty for the illegal emissions.

The \$10,000 here ratified by the majority is far too low. I would have rejected the Stipulation and Settlement and proceeded to a full hearing upon the merits. Unless this Board has the courage to levy realistic penalties no one will be "deterred" from violating the Environmental Protection Act in the future.


Jacob D. Dumelle, P.E.
LCDR-CEC-USNR (Ret)
Board Member

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Dissenting Opinion was submitted on the 25th day of January, 1991.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board