

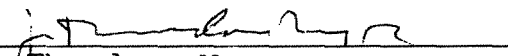
ILLINOIS POLLUTION CONTROL BOARD
April 25, 1991

VILLAGE OF MATTESON,)
)
 Complainant,)
)
 v.) PCB 90-146
) (Enforcement)
)
 WORLD MUSIC THEATRE,)
 JAM PRODUCTIONS, LTD.,)
 DISCOVERY SOUTH GROUP, LTD,)
 and GIERCZYK DEVELOPMENT, INC.,)
)
 Respondents.)

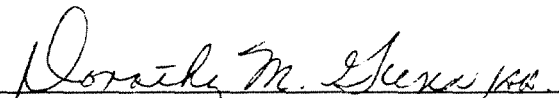
CONCURRING OPINION (by J. Theodore Meyer):

I concur in the majority's opinion finding respondents in violation of Section 24 of the Environmental Protection Act (Act) and 35 Ill. Adm. Code 900.101 and 900.102. However, I must reiterate my concern with 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 locations 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, the Board must create some type of relief. 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 concur.


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 26th day of April, 1991.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board