

ILLINOIS POLLUTION CONTROL BOARD
January 10, 1991

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 89-258
) Docket A & B
) (Administrative Citation)
 DONALD TAYLOR,)
)
 Respondent.)

ABSTENTION STATEMENT (by J.D. Dumelle):

My reason for abstaining in the vote on this case was my concern that the Respondent, Donald Taylor, was not fully competent to defend himself.

When Jackson County's only witness finished his testimony at the February 23, 1990 hearing, Mr. Taylor asked no questions of him. (R. 24) When Mr. Taylor was asked to testify in his own behalf he declined except to volunteer that he owned the property jointly with his brother. (R. 25)

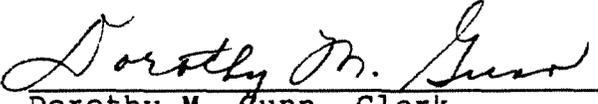
On October 16, 1989 Mr. Taylor was sent a "compliance inquiry" letter by Mr. Bloom. We do not have the text of that letter. In many other cases these compliance inquiry letters combined with an administrative citation have confused the recipients. That may well have happened here. Note the apology by the State's Attorney, W. Charles Grace, in his November 16, 1989 letter to Mr. Taylor.

Because Mr. Taylor did not put on any defense it appears to me that he did not understand that this appeal could only result in additional costs being levied upon him. In many similar cases, IEPA has moved to vacate penalties when a non-landfill owner has cleaned up a site on which open dumping has occurred. I would urge Jackson County to do this once the site has been cleaned.


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 Abstention Statement was submitted on the 22nd day of February, 1991.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board