

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 89-206
)	(Enforcement)
CHICAGO STEEL CONTAINER)	
CORPORATION,)	
an Illinois corporation,)	
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's acceptance of the settlement stipulation in this case.

First, I again object because this case was not brought in the name of the people of the State of Illinois. If the People had been listed as a complainant in addition to the Illinois Environmental Protection Agency, Chicago Steel Container could have been assessed costs and reasonable fees. Ill.Rev.Stat.1989, ch. 111 1/2, par. 1042(f).

Additionally, I believe that the settlement agreement is inadequate. There is no assessment of any of the factors listed in Section 33(c) of the Environmental Protection Act. Section 33(c) requires the Board to consider all facts and circumstances of the action involved, and specifically sets forth six factors. Because the record in this proceeding is utterly bare of any evidence on any of the 33(c) factors, the Board was unable to undertake even the most cursory review of the appropriateness of the penalty agreed upon by the parties.

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, hereby certify that the above Dissenting
Opinion was filed on the 8th day of June, 1990.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board