


ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 89-224
)	(Administrative Citation)
JOHN VANDER,)	(IEPA No. 9951-AC)
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

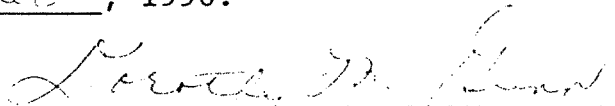
I dissent from the majority opinion in this matter, because I disagree with the majority's conclusion that Mr. Vander's conduct did not constitute "open dumping". Section 3.24 of the Environmental Protection Act defines "open dumping" as "the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill." In this case, Mr. Vander demolished two old buildings, scooped the debris into piles, and then burned the piles. I believe that the debris from the buildings was "refuse", which was "consolidated" at a "disposal site" which clearly did not meet the requirements of a sanitary landfill. The statutory definition of open dumping is a simple one, and I believe that Mr. Vander's conduct fell under that definition and thus constituted "open dumping".

For these reasons, I 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 5th day of September, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board