

ILLINOIS POLLUTION CONTROL BOARD
September 23, 1983

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 82-149
)
JACK-RICH, INC., an)
Illinois corporation,)
)
Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

My dissent is based upon the small size of the penalty (\$3,000) levied here by the Board majority.

This is a 12-year old business with annual receipts in excess of \$18 million in 1982. As recently as 1982 this corporation was discharging manure and animal tissues as well as hair and grease, etc. into the waters of the state.

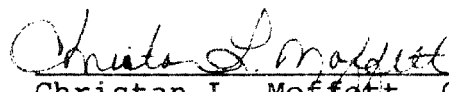
This Board, on August 29, 1974 adopted R72-9, Livestock Waste Regulation. This rulemaking clearly showed the State's intention to prevent agriculture-related discharges from creating water pollution problems. Thus even if the corporation had not known that the 1972-enacted general water pollution control rules applied (as they did) the 1974 rules should have been ample warning. Yet 8 years after 1974 these discharges were occurring.

The penalty is much too low and will not serve as a deterrent to others. As a minimum it should have been \$10,000 or more.



Jacob D. Dumelle, Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 29th day of September, 1983.



Christan L. Moffett, Clerk
Illinois Pollution Control Board