

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 03-4  
) (Enforcement - Water)  
OAK TERRACE SANITARY SYSTEM )  
INC., an Illinois not-for-profit corporation, )  
)  
Respondent. )

DISSENTING OPINION (by W.A. Marovitz):

I respectfully dissent from the Board's opinion and order issued today. I disagree with the assessed penalty.

Respondent admits constructing a sewer connection with a permit. Consistent with my dissent in today's decision in People v. Crier Development Company and Bradley S. Cowell, PCB 96-256 (August 8, 2002), I note that in creating the Environmental Protection Act, the General Assembly stated that the purpose of the Act was, among other things "to assure that adverse effects upon the environment are fully considered and borne by those who cause them." 415 ILCS 5/2(b)(2000) *amended by* P.A. 92-0574, eff. June 26, 2002. By constructing a sewer connection without a permit, respondent put the environment and the well-being of the citizens of Illinois at risk. Respondent's failure to get a construction permit is a major violation of our environmental laws and could have caused great environmental harm.

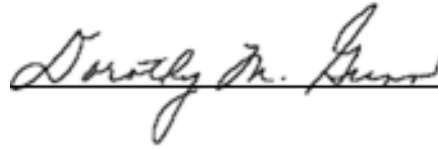
I would support the People taking a tougher stance on violators who commit such flagrant violations of the Act. In this instance, I would support a penalty closer to the statutorily authorized amount in Section 42(a) of the Act. 415 ILCS 5/42(a) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002.

For these reasons, I respectfully dissent.



William A. Marovitz

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was submitted on August 12, 2002.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board