

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-256
) (Enforcement - Water)
CRIER DEVELOPMENT COMPANY,)
and BRADLEY S. COWELL,)
)
Respondents.)

DISSENTING OPINION (by W.A. Marovitz):

I respectfully dissent from the Board's opinion and order issued today. Although I agree that the respondents should be found in violation of Section 12(b) of the Environmental Protection Act (Act) (P.A. 92-0574, eff. June 26, 2002 amended 415 ILCS 5/12(b)(2000)), I disagree with the assessed penalty.

Respondents intentionally installed a sewer without a construction permit. Although the record shows they knew about the required permitting process, they did not wait for the permit to be issued before they installed the sewer. Additionally, respondents did not participate in the enforcement process before the Board after 1997. I believe the egregious violation of the Act necessitates a higher penalty than \$25,000.

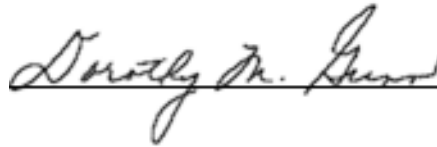
In creating the Act, the General Assembly stated that the purpose of the Act was, among other things "to assure that adverse effects upon the environment are fully considered and borne by those who cause them." (P.A. 92-0574, eff. June 26, 2002 amended 415 ILCS 5/2(b)(2000)). By intentionally ignoring the permitting process, respondents put the environment and the well-being of the citizens of Illinois at risk. Respondents' refusal to participate in the Board proceedings showed further disregard for the environmental protections created by the General Assembly. Today's penalty should be greater to convey that the respondents' actions will not be tolerated. Therefore, I believe the penalty should be closer to the statutorily authorized \$50,000 penalty requested by the Attorney General.

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 9, 2002.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board