

ILLINOIS POLLUTION CONTROL BOARD
September 19, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-66
) (Enforcement - Land)
D'ANGELO ENTERPRISES, INC., an)
Illinois 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 stored over 3,000 gallons of hazardous waste without a Resource Conservation and Recovery Act permit. Some of the waste had been there for years. Respondent also did not timely determine whether the waste it was generating was hazardous waste. Additionally, respondent failed to inspect the storage areas, failed to have emergency response measures in place, failed to properly train its employees in hazardous waste management, and failed to label the storage drums for their contents. Some of these violations were done knowingly and repeatedly. Respondent attempted to correct the violations only after the Agency discovered the violations. This lack of corporate lack of responsibility requires a higher penalty than assessed today.

The only saving grace in this case is that no one was harmed. I do not think we should wait for people to get sick from irresponsible hazardous waste storage, before we send a strong message to the violators that they will not benefit from defying the Environmental Protection Act (Act) and the Board's regulations regarding handling and disposing of hazardous waste.

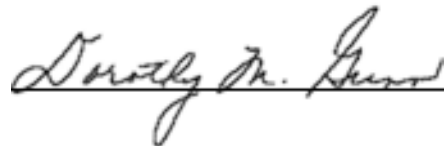
The People note that the Act authorizes a penalty close to \$50,000,000, but then ask the Board to impose a penalty "not less than \$70,000." I do not understand why the Attorney General does not ask for a specific penalty amount. Nor do I understand why the Attorney General does not ask for a greater penalty in this instance when the respondent has blatantly ignored the relevant environmental laws.

For these reasons, I respectfully dissent.

A handwritten signature in black ink, appearing to read "William A. Marovitz", written over a horizontal line.

William A. Marovitz
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above dissenting opinion was submitted on September 19, 2002.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board