

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

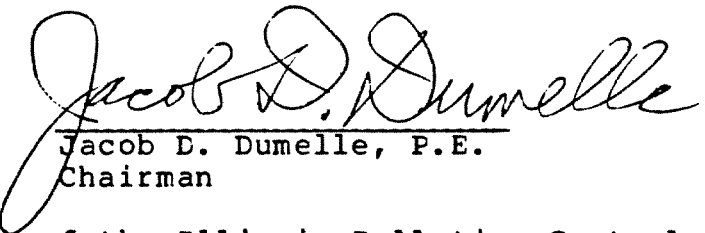
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Petitioner,)
)
v.) PCB 86-7
)
FRITZ ENTERPRISES, INC.,)
)
Respondent.)

CONCURRING OPINION (by J.D. Dumelle):

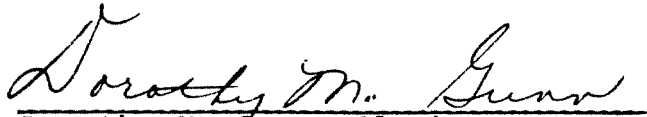
When the prosecutor of an enforcement case requests dismissal, as was done here, the Board has little choice. A refusal to dismiss by the Board would mean that a case docket would remain open and unprosecuted.

However, the \$3,125 "voluntary contribution" to Illinois is not secured by a stipulation. Should Fritz Enterprises, Inc. decide not to pay then what recourse would the Attorney General have? A new case would have to be filed in the face of a Board dismissal on record.

It would be far better public policy to secure the "voluntary contribution" through a stipulation tendered to and approved by this Board.


Jacob D. Dumelle, P.E.
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 9th day of January 1987.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board