

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1985

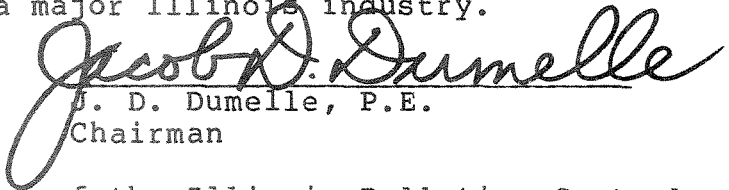
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-151
)
ARCHER DANIELS MIDLAND,)
a Delaware Corporation,)
)
Respondent.)

DISSENTING OPINION (by J.D. Dumelle):


My reasons for dissenting are (a) this is a 5-year old case that now ought to be finally ended, (b) the prosecutors (the IEPA and Attorney General) have agreed to and joined in the proposed \$15,000 settlement (c) any new hearing may well have no participation by the prosecutors and (d) this case may languish on the Board's docket forever.

All of us would agree that \$15,000 is a substantial penalty to anyone. It is lower than the initial \$40,000 levied by this Board but the court has been unable to follow the Board's reasoning used in setting the penalty. Evidently the IEPA and the Attorney General agree that they cannot provide the reasoning for the \$40,000 figure and now consent to the \$15,000.

The Board docket is full to bursting and will get worse. I would have accepted the settlement, cleared out a half-decade old case and given certainty to a major Illinois industry.


J. D. Dumelle, P.E.
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 8th day of November, 1985.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board