

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1990


ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 89-192
)	(Enforcement)
NORTHROP CORPORATION,)	
a Delaware corporation,)	
)	
Respondent.)	

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's acceptance of the settlement stipulation in this case.

Neither the Illinois Environmental Protection Agency (Agency) nor the Attorney General has promulgated any standards as to what factors should be considered when negotiating a fine to be imposed pursuant to a settlement agreement. Additionally, although the proposed settlement agreement states that Northrop's noncompliance was economically beneficial in that it utilized its unpermitted equipment for a number of years without the delay of applying for and waiting for the Agency to issue permits, there is not any specific information on the amount of that economic benefit. Section 33(c) of the Environmental Protection Act specifically requires the Board to consider any economic benefits accrued by noncompliance. I believe that this provision contemplates a consideration of the amount of the economic benefit, not just a statement that an economic benefit was realized. Without more specific information, it is impossible to know if the penalty of \$10,000 even comes close to the savings realized by Northrop in operating without permits for those sources.

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, hereby certify that the above Dissenting Opinion was filed on the 23rd day of March, 1990.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board