

ILLINOIS POLLUTION CONTROL BOARD
September 30, 1976

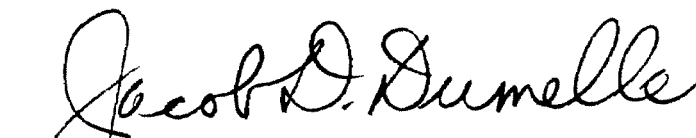
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
)
 WILFORD E. (ERNIE) JOHNSON)
 and NORMA I. JOHNSON, d/b/a)
 BYRON SALVAGE,)
)
 Respondents;)
)
)
 WILFORD ERNEST JOHNSON, and)
 NORMA I. JOHNSON,)
)
 Complainants,)
)
 v.)
)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

PCB 74-471
PCB 76-210
(CONSOLIDATED)

CONCURRING STATEMENT ON ORDER (by Mr. Dumelle):

While I have concurred in today's Order accepting the case and consolidating it, I have grave doubts that the Board can fashion a remedy. The Board in the Complaint is asked to order the Illinois Environmental Protection Agency to "remove and/or eliminate contaminants from the site." Such a remedy, if that is the final decision of the Board, could undoubtedly involve a substantial appropriation from the Illinois General Assembly. I am not at all certain that this Board has the power to order that remedy.

However, this point can be left for later determination and argument as the case proceeds.



Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Statement on Order was submitted on October 4, 1976.



Christan L. Moffett, Clerk
Illinois Pollution Control Board