

ILLINOIS POLLUTION CONTROL BOARD
November 6, 1975

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 NORTH SHORE SANITARY DISTRICT,)
)
 Respondent.)
)
 CITY OF HIGHLAND PARK,) PCB 74-223
) PCB 74-229
 Complainant,) (Consolidated)
)
 v.)
)
 NORTH SHORE SANITARY DISTRICT,)
)
 Respondent.)

CONCURRING OPINION (by Mr. Dumelle):

I concur in the findings of the Board Opinion that the North Shore Sanitary District has violated Section 9(a) of the Act. I would have assessed a penalty of at least a \$1,000 for these violations for as the Board Opinion states

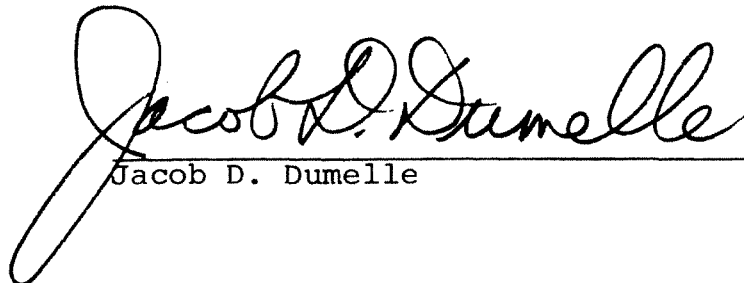
Respondent has presented no evidence to show that it could not have prevented the odors testified to in this case. Indeed, based on the log sheets submitted as Exhibits by Respondent, it is difficult to find that Respondent has been seriously attempting to deal with the odor problem (p. 16).

It seems to me that a penalty ought to have been assessed to show both the District and other sewage treatment plant authorities that a heavy responsibility is concomitant with

the legal authority to operate a waste treatment plant. The record is quite clear that residents lives were unreasonably interfered with by these odors.

Secondly, the Opinion in some instances (April 20, 1974; June 16, 1974; June 18, 1974; June 21, 1974; June 23, 1974; and July 4, 1974) does not make a finding of odors being caused by the Clavey Road plant. In most cases, this seems to be because of the lack of corroboration by police reports. My own feeling is that the witness himself is enough. Many of the Board cases of the past have had witnesses testify in odor cases without corroboration. Thus, to the extent that these dates were not found as violations because of the lack of corroboration I would feel that this injects a new standard of proof into Board proceedings. And police reports, I may add, are not always the most reliable, especially in non-criminal events.

In conclusion, the Board Opinion makes the distinction between short term odors and long term solutions (p. 18). I would point out that the "short term odors" by whatever name they are called did unreasonably disrupt peoples lives and sleep and the use of their property and could have been avoided or mitigated with better care.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted on the 12th day of November, 1975.



Christan L. Moffett, Clerk
Illinois Pollution Control Board