

ILLINOIS POLLUTION CONTROL BOARD
April 26, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-127
)
 CITY OF GEORGETOWN, a municipal)
 corporation,)
)
 Respondent.)


DISSENTING OPINION (by Mr. Dumelle):

I fully agree with the findings of violation in this case. However, the contingent penalty of \$14,000 is much too large for a city of 3,984 population.

A small city with part-time and usually low-salaried employees might easily fail to meet some condition of the Stipulation and Proposal for Settlement which the majority of the Board has now accepted. The Board should not levy a high contingent penalty in the expectation that it will never come due.

I would have rejected the Stipulation and Proposal for Settlement because of the contingent penalty.

Respectfully submitted



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was filed on the 5th day of July, 1979.

