

ILLINOIS POLLUTION CONTROL BOARD
May 26, 1977

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
)
)
 v.) PCB 76-181
)
)
DECATUR SANITARY DISTRICT,)
)
 Respondent.)


CONCURRING OPINION (by Mr. Dumelle):

While I concur with the findings of the Board in its Opinion I do feel that this case deserves a monetary penalty.

A sanitary district serving 110,000 persons is not a small unit of government. Its management team obviously contains professionals who should have known that lagooning raw or partially digested sewage would inevitably result in foul odors disturbing to nearby residents absent sufficient aeration.

In 1952 I recall the odor problems created in many southwest Chicago suburbs by the Metropolitan Sanitary District of Greater Chicago's lagooning of raw sewage along what is now the Stevenson Expressway. Natural laws cannot be broken.

While a penalty on a governmental body merely moves money from one group of taxpayers to another it does ensure that the same mistake will not be repeated. Thus, though after the fact, the penalty does provide deterrence.

Respectfully submitted,

Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Concurring Opinion was submitted on the 16th day of June, 1977.

Christan L. Moffett, ph
Christan L. Moffett, Clerk
Illinois Pollution Control Board