

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1978

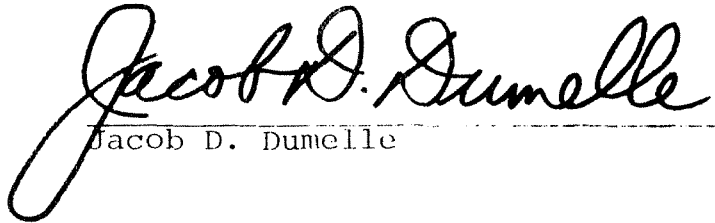
ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 72-51
)
CPC INTERNATIONAL, INC.,)
)
Respondent.)

DISSENTING OPINION (by Mr. Dumelle):

While I fully agree with the majority of the Board that CPC International violated the Act and the Regulations of the Board, I do not agree that no penalty should be assessed.


The original Opinion of the Board dated June 21, 1973 and written by me sets forth the severe interference with life and health caused by CPC International's emissions. But a remedial program finally brought forth should not free the emitter from a penalty. Industries must be good neighbors and should not create nuisances such as this.

When a burglar is caught, we do not free him without penalty if the stolen goods are returned. Were we to do so, deterrence would be lost. In this case, a penalty should have been reimposed to aid in the enforcement of the Act. Other industries would then be on notice to avoid or control nuisance emissions.



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Dissenting Opinion was submitted on the 5th day of May, 1978.



Christan L. Moffett, Clerk
Illinois Pollution Control Board