

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

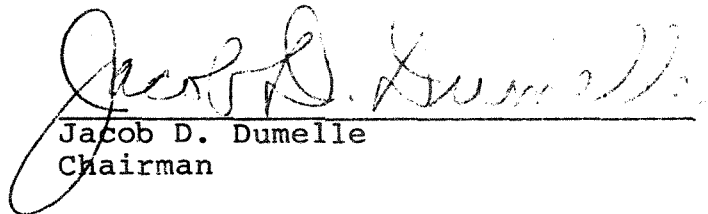
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-184
)
CITY OF ROODHOUSE,)
)
Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

My reason for dissenting in this case is the excessive amount of the penalty. Roodhouse has a population of 2,357. The penalty of \$3,000, here stipulated to, works out to \$1.27 per capita.

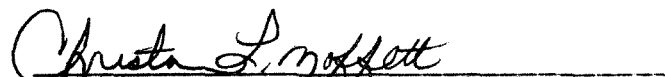
If Peoria (population 126,963) had incurred the same violations, the penalty at \$1.27 per capita would have been \$161,243. I know the Board would not have levied such a penalty on a large city. Then why do so on a small city?

The last portion of the Settlement (p.13) contains the following "...considering ... the economic savings incurred due to non-compliance...". Nowhere in the Environmental Protection Act is authority given to the Board to consider "economic savings" when setting a penalty.



Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 4th day of March, 1981.



Christan L. Moffett, Clerk
Illinois Pollution Control Board