

ILLINOIS POLLUTION CONTROL BOARD  
March 11, 1976

ENVIRONMENTAL PROTECTION AGENCY, )

Complainant, )

v. )

PCB 74-208 )

PETER COOPER CORPORATION, )  
DIAMOND GLUE DIVISION, )  
a Delaware corporation, )

Respondent. )

CONCURRING OPINION (by Mr. Dumelle):

My reservations in this matter deal with the entirely inadequate penalty (\$1,500) levied herein. As a former resident of the neighborhood long affected by the odors from this plant I feel that the penalty is far too low. Words cannot adequately describe the unpleasant odors emitted by this plant.

The record (and Board opinion) in this case show that Peter Cooper Corporation "could and can afford any control technology likely to be necessary". The case then boils down to one of long delay and the concurrent nuisance and interference with residents rights to an environment free from disagreeable odors.

I would have assessed a penalty of at least \$10,000 in this case. However, the compliance program, at long last, seems adequate and a remand on the penalty question might only delay the final cleanup. For these reasons I concur in the Board Opinion.

Submitted by

  
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Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Concurring Opinion was submitted on the 17<sup>th</sup> day of March, 1976.

  
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Christan L. Moffett, Clerk

Illinois Pollution Control Board