

ILLINOIS POLLUTION CONTROL BOARD
April 3, 1980

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Petitioner,)
)
) v.) PCB 78-135
)
) VILLAGE OF PALOS PARK,)
)
) Respondent.)

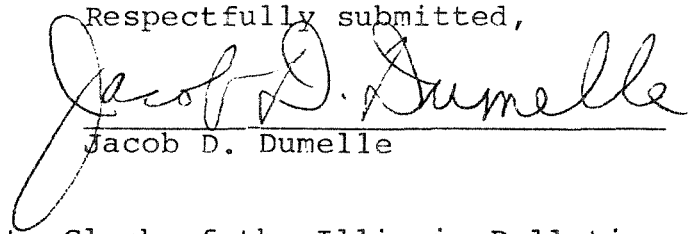
CONCURRING OPINION (by Mr. Dumelle):

My reason for concurring in this case is that the stipulation and thus the Board Order require the Village of Palos Park to enact an ordinance relating to industrial or domestic waste.

As a former city manager it seems to me that villages and cities and counties ought not to be ordered to enact ordinances. Legislation by a ruling body ought to be discretionary, not mandatory.

The Board itself rankles when the Federal government tells Illinois what rule or regulation it must enact. Hobbling discretion, whether in the enactment of ordinances or of rules, makes a mockery of the legislative or quasi-legislative process.

Respectfully submitted,



Jacob D. Dumelle

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was filed on the 3rd day of April, 1980.



Christan L. Moffett, Clerk
Illinois Pollution Control Board