

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1988

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 85-136
)
NAVEM PATEL, ERIC OTTEN,)
CLARENCE MITCHELL and)
J.B. JOHNSON,)
)
Respondent.)

DISSENTING OPINION (by J.D. Dumelle):

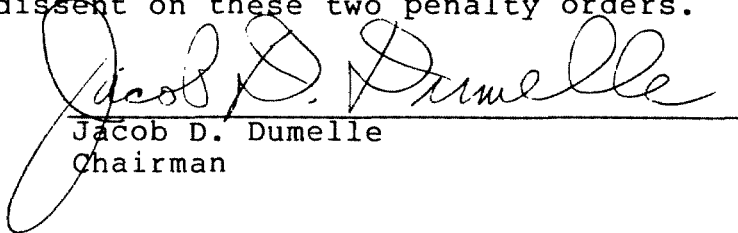
In the separate votes on the four orders I dissented on two: Those of Navem Patel and J.B. Johnson.

Mr. Patel was evicted from his building and thus not able to clean it out. The successor building owner thus incurred the obligation to clean the building by using the eviction process.

Mr. Johnson appears to be someone who may not be well-educated. I would have reduced the \$10,000 penalty on him for that reason. A second reason is that the offense proven in this matter is that disposing of non-hazardous refuse consisting of one or two barrels. Would the Board penalize someone \$10,000 for dumping a load of trash? I think not. Yet it does that here.

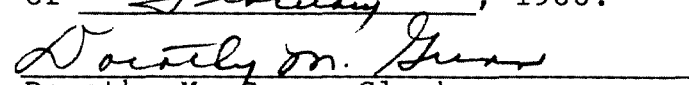
The punishment by this Board ought to fit the proven crime.

For these reasons I dissent on these two penalty orders.



Jacob D. Dumelle
Chairman

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 10th day of February, 1988.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board