

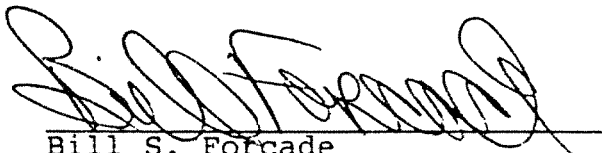
ILLINOIS POLLUTION CONTROL BOARD  
August 30, 1990

|                        |   |                           |
|------------------------|---|---------------------------|
| ILLINOIS ENVIRONMENTAL | ) |                           |
| PROTECTION AGENCY,     | ) |                           |
|                        | ) |                           |
| Complainant,           | ) |                           |
|                        | ) |                           |
| v.                     | ) | AC 89-224 Docket A & B    |
|                        | ) | (IEPA No. 9951-AC)        |
| JOHN VANDER,           | ) | (Administrative Citation) |
|                        | ) |                           |
| Respondent.            | ) |                           |

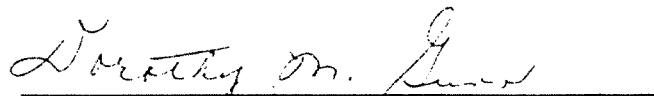
DISSENTING OPINION (by B. Forcade):

In this matter John Vander candidly admits that he knocked down the buildings and burned them. I would have found a violation to exist.

The majority seems to find the continuous nature of the event does not constitute "open dumping" and thus precludes a violation. The majority does not explain what time period is now necessary under the law between when material is placed on the ground and when the Illinois Environmental Protection Agency can issue an administrative citation for open dumping. I am certain this newly created time period will be a fruitful area for future administrative citation appeals.

  
\_\_\_\_\_  
Bill S. Forcade  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was filed on the 24th day of September, 1990.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board