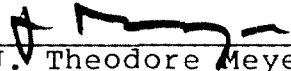


ILLINOIS POLLUTION CONTROL BOARD
February 4, 1988

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-27
)
MODINE MANUFACTURING CO.,)
)
Respondent.)

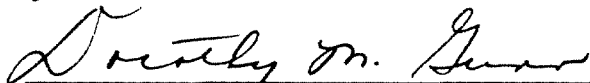
CONCURRING OPINION (by J. Theodore Meyer):

I concur in the findings and penalty of the majority opinion, but I must once again voice my concern about the manner in which penalties for violations of the Environmental Protection Act (Act) are set by the Board. There are no standards set out by which the Board can act to impose penalties in a somewhat consistent manner, other than an instinctive weighing of the circumstances of a particular case. I recognize that the articulation of such standards is a difficult task, but I feel that an attempt must be made. At a minimum, the guidelines of Section 33(c) and 42 of the Act should be explicitly applied to the facts of each case.



J. Theodore Meyer
Board Member

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board