

ILLINOIS POLLUTION CONTROL BOARD
June 21, 1990

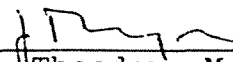
PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 89-200
) (Enforcement)
EKCO GLACO CORPORATION,)
an Illinois corporation,)
)
Respondent.)

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's acceptance of the settlement stipulation in this case.


I believe that the settlement agreement is inadequate. There is no assessment of any economic benefit accrued by Ekco Glaco because of its delay in compliance with pollution control requirements. Section 33(c) of the Environmental Protection Act requires the Board to consider all facts and circumstances of the action involved, and specifically sets forth six factors. Because the record in this proceeding is utterly bare of any evidence on the economic benefit factor, the Board was unable to undertake even the most cursory review of the appropriateness of the penalty agreed upon by the parties. It is impossible to know if the penalty of \$7,500 even comes close to the savings realized by Ekco Glaco.

For these reasons, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, hereby certify that the above Dissenting Opinion was filed on the 25th day of June, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board