

ILLINOIS POLLUTION CONTROL BOARD
May 18, 1984

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-11
)
LAKE COUNTY GRADING Company,)
a Delaware corporation, and LAKE)
COUNTY GRADING COMPANY OF)
LIBERTYVILLE, INC., an Illinois)
corporation,)
)
Respondents.)

DISSENTING OPINION (by J. D. Dumelle):

The test of the acceptability of a stipulation is whether the Board would itself impose the same penalty and conditions as if it had heard the case absent a stipulation.

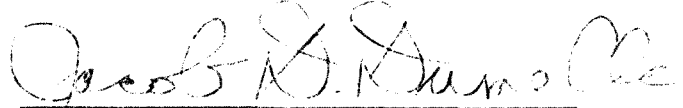
My own opinion is that this stipulation badly fails that test. Drums of unknown chemical content have been buried on the site. This is a site which received a permit in 1972 as a non-putrescible landfill. As such, its design may well be inadequate to safely contain the contents of those drums. Drums were buried on at least 12 listed dates.

The site has been poorly operated and leachate has flowed from it into the environment. Eight dates are listed for these offenses. Odors were recorded, probably of hydrogen sulfide, on 17 dates, evidently due to the illegal acceptance of gypsum wallboard.

Lastly, besides litter violations on 13 dates, the daily cover rule was violated 45 times and other cover violations were recorded.

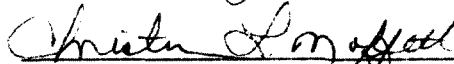
To me this case is quite similar to Illinois Environmental Protection Agency v. Wasteland, PCB 81-98, August 26, 1982, 48 PCB 01, in which flagrant violations of a non-putrescible landfill occurred. The Board in Wasteland levied a \$70,000 penalty since upheld by the Appellate Court.

Because the penalty in the instant case is far too low,
I dissent.



Jacob D. Dumelle
Chairman

I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify that the above Dissenting Opinion
was filed on the 21st day of May, 1984.



Christan L. Moffett, Clerk
Illinois Pollution Control Board