

ILLINOIS POLLUTION CONTROL BOARD  
January 5, 1972

ENVIRONMENTAL PROTECTION AGENCY )

v. )

CITY OF WAUKEGAN, a Municipal )  
Corporation; ZION STATE BANK )  
AND TRUST COMPANY, a Bank )  
chartered by the State of )  
Illinois; T-K CITY DISPOSAL )  
INC., an Illinois Corporation; )  
TEWES COMPANY, INC., an Illi- )  
nois Corporation )

PCB 71-298

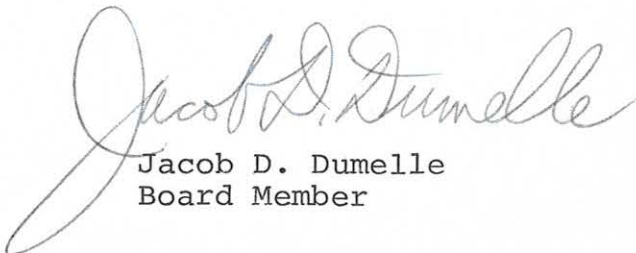
SUPPLEMENTAL STATEMENT (by Mr. Dumelle)

While I was not present at the December 21 meeting because of illness I fully concur in the opinion and decision. However, I would have increased the penalties levied on Tewes Company, Inc. and T-K City Disposal, Inc. from \$250 each to \$500 each.

The reason for doing this would be to return to the State of Illinois the approximate full costs of this proceeding. The transcript alone ~~cost~~ in this case cost the State at least \$1100. If the salaries of the State investigators and witnesses and the Attorney-General's staff and the Board's time are added to this it is probable that total costs of the proceeding will approach or exceed \$2000.

And since we are dealing here with two disposal companies who have been in the business for years I do not think that either of them could plead ignorance of the regulations or poverty or lack of sophistication as defenses in mitigation of the penalty.

I feel that this Board ought to assess penalties sufficient to recover to the State the full costs of pollution prosecution where the party is found guilty and is not poor or ignorant of the law.

  
Jacob D. Dumelle  
Board Member