

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1993

PEOPLE OF THE STATE)
OF ILLINOIS,)

Complainant,)

v.)

HANDY & HARMAN,)
a New York corporation,)

Respondent.)


PCB 93-214
(Enforcement)

CONCURRING OPINION (by J. Theodore Meyer):

I concur with the majority's acceptance of the stipulation and settlement in this case. However, I continue to be troubled by the absence of any mention of attorney's fees and costs in the settlement agreement.

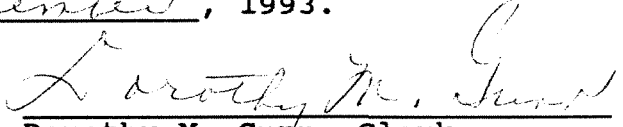
Section 42(f) of the Environmental Protection Act (415 ILCS 5/42(f) (1992)) provides for the imposition of costs and reasonable attorneys fees to the Attorney General. In this case, the complaint requests that the Board impose such costs and fees. However, the stipulation and settlement does not refer to this request, nor explain whether some percentage of costs and fees were figured into the penalty. I continue to believe that costs and fees should be pursued. Especially in these times of economic stress, the state should be reimbursed for the monies it expends in pursuing those charged with violating environmental standards.

For this reason, I concur.



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 22nd day of December, 1993.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board