

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1993


PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 90-89
)	PCB 91-123
FRED JOHNSON, ET AL.,)	Consolidated
)	(Enforcement)
Respondents.)	

DISSENTING OPINION (by J. Theodore Meyer):

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

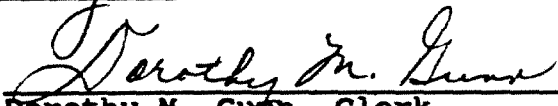
Section 42(f) of the Environmental Protection Act provides for the imposition of costs and reasonable attorneys fees to the Attorney General. In this case, the complaint requests that the Board impose such costs and fees. However, the stipulation and settlement does not even refer to this request, nor explain whether some percentage of costs and fees were figured into the penalty. I continue to believe that costs and fees should be pursued.

For this reason, I dissent.



J. Theodore Meyer
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissenting opinion was filed on the 22nd day of January, 1993.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board