

ILLINOIS POLLUTION CONTROL BOARD
April 1, 2004

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 01-167
) (Enforcement - Land)
ESG WATTS, INC. (Taylor Ridge),)
)
 Respondent.)

CONCURRING OPINION: (By T.E. Johnson)

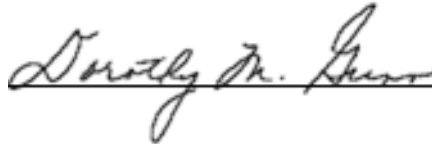
I respectfully concur with the Board's opinion and order issued today in this matter. As stated in my January 8, 2004 dissent, I do not believe that the complainant presented adequate evidence at hearing or justification in the pleadings to warrant the \$1,000,000 civil penalty assessed by the Board. I concur today because I agree that the imposition of \$7,200 in attorney fees and expert witness costs on ESG Watts, Inc. is appropriate.

For these reasons, I respectfully concur.



Thomas E. Johnson
Member of the Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above concurring opinion was submitted on April 1, 2004.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board