

See, Hearing Transcript Page 9, Line 3; Page 87 Line 24 and Page 88, Line 1.

(3) any economic benefits accrued by the violator because of delay in compliance with requirements.

Respondent saved more than \$110,000.00

See, testimony of James Moore, Hearing Transcript Page 11, Line 9.

Respondent collected at least \$220,317.88 for his illegal operations.

See, Exhibits 14 through 20.

(4) the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act.

Respondent is recalcitrant and insists that he did nothing wrong. Therefore a substantial penalty will indicate to the Respondent that he must comply with the IEPA should he continue his metal reclaiming business, which he is currently doing.

See, testimony of Respondent, Hearing Transcript Page 9, Line 4; Page 90 Line 2.
See also Hearing Exhibits 6 through 11.

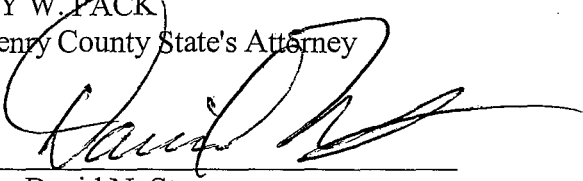
Respondent claims to be without assets. Being judgment proof it is unlikely that he will actually pay any civil penalty imposed.

See, Exhibit 12.

However the existence of a substantial judgment for civil penalties would deter him from securing financing necessary for continuing or expanding his illegal metal reclaiming business. It is also unlikely that the civil penalty judgment could be discharged in bankruptcy. This would further assure that Respondent will be deterred.

A civil penalty of at least \$200,000.00 would give a strong deterrent message to others like Respondent who chooses to ignore the IEPA.

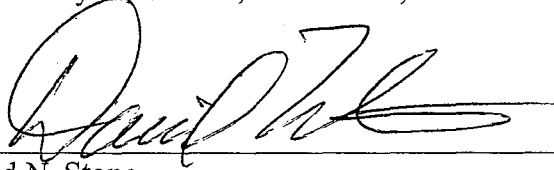
Respectfully submitted,
GARY W. PACK
McHenry County State's Attorney

By: 
David N. Stone
Assistant State's Attorney

CERTIFICATE OF SERVICE

I, David N. Stone, an Assistant State's Attorney in this case, do certify that I caused to be mailed this 12TH day of April, 2004, the foregoing POST HEARING BRIEF upon the persons

listed on the attached service list by certified mail in an envelope bearing sufficient postage with the United States Postal Service located at 1050 Country Club Road, Woodstock, Illinois 60098.


David N. Stone

SERVICE LIST

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INTEREST:

ORIGINAL PLUS NINE COPIES

Defendant

Non record Attorney for IEPA

DATE: April 12, 2004
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