

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1993

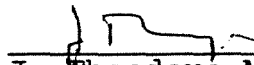
PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 92-185  
 ) (Enforcement)  
 )  
MAPLE PARK OIL COMPANY, an )  
Illinois partnership, and )  
ROBERT C. NELSON, as a partner, )  
 )  
Respondent. )

DISSENTING OPINION (by J. Theodore Meyer):

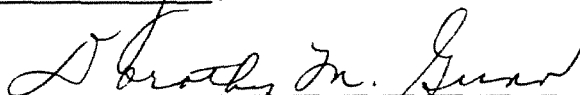
I dissent from the majority's acceptance of the stipulation and settlement in this case. I continue to be troubled by the absence of any mention of attorney's fees and costs in the settlement agreement.

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 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 violators.

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 8<sup>th</sup> day of February, 1993.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

0139-0085