

ILLINOIS POLLUTION CONTROL BOARD  
March 25, 1993

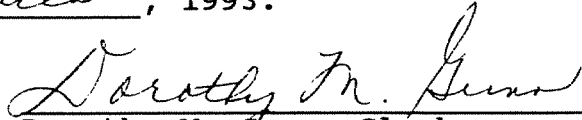
PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 91-53  
 ) (Enforcement)  
ENAMELERS AND JAPANERS, )  
INC., an Illinois )  
corporation, )  
 )  
Respondent. )

DISSENTING OPINION (by J. Theodore Meyer):

I dissent from the majority's order reinstating this case. Section 42(f) of the Environmental Protection Act provides that the Board may award attorney's fees and costs to the Attorney General where a person has committed a wilful, knowing, or repeated violation. (415 ILCS 5/42(f) (1992).) A review of the proposed settlement agreement reveals that although the complaint asks that the Board impose costs and attorney's fees, the settlement agreement does not even mention costs and fees. There is no indication that the issue of costs and fees was discussed during negotiations, or in any other way considered or sought. By not seeking to recover the expenses incurred in bringing this enforcement action, the Attorney General is allowing polluters a free ride. Once again, the taxpayers are pulling the cart, while polluters are riding in the cart.

Because the proposed settlement agreement does not even mention costs and fees, I believe that it is unacceptable. Therefore, I dissent from the majority's order reinstating this case.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above dissent was filed on the 29th day of March, 1993.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board