

ILLINOIS POLLUTION CONTROL BOARD  
May 4, 1995

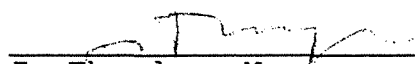
PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 94-127  
 ) (Enforcement)  
JAMES LEE WATTS, individually )  
and d/b/a WATTS TRUCKING )  
SERVICE, INC., and ESG WATTS, )  
INC., )  
 )  
Respondents. )

CONCURRING OPINION (by J. Theodore Meyer):

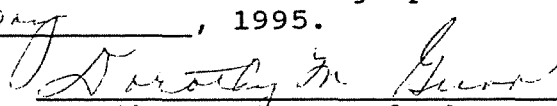
I fully agree with the majority opinion in finding that respondent violated Sections 21(k), 21(o)(11) and (d)(2) of the Illinois Environmental Protection Act (Act), and 35 Ill. Adm. Code 807.623, 858.401 and 814.104. The \$60,000 penalty is sufficient; however, I believe legal fees in this case were much more than \$4,980.

Section 42(f) allows the Board to assess attorney's fees and costs incurred by the Office of the Attorney General. I believe that this section should be construed broadly, and that a violator reimburse the Illinois taxpayer for all costs incurred by the Office of the Attorney General, including indirect expenses such as travel time, administrative support, printing, copying and overhead. After all, the time spent by complainant's attorney in prosecuting this matter certainly could have been used to handle other cases.

In addition, the now common practice by state and local governments of charging a "user fee" to those who use a service (such as paying for photocopies) is certainly a cost that should be imposed on a party who has violated the Act. This case presented an opportunity to order the complainant to submit an affidavit of all costs, and I believe that the Board should have taken this opportunity.

  
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J. Theodore Meyer  
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above concurring opinion was filed on the 8th day of May, 1995.

  
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Dorothy M. Gunn, Clerk  
Illiois Pollution Control Board