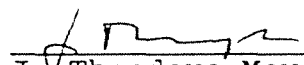


ILLINOIS POLLUTION CONTROL BOARD
February 8, 1990

COUNTY OF DUPAGE,)
)
 Complainant,) AC 88-76
) AC 88-77
 v.) (Docket B)
)
 E & E HAULING, INC.)
 (Mallard Lake Landfill),) (No. 88 CD 279)
)
 Respondent.)

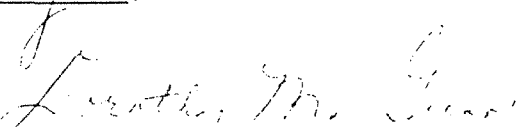
CONCURRING OPINION (by J. Theodore Meyer):

I agree with the outcome reached by the majority in this case, that the County of DuPage can recover its hearing costs in this matter. As I earlier stated in dissent in this case, I believe that the hearing costs recovered should include all costs of hearing, and thus I would hold that attorney's fees are indeed "hearing costs". However, after the Appellate Court's recent decision in Modine Manufacturing Company v. Pollution Control Board, No. 2-89-0441, I am convinced that it is better to recover some costs than none at all. Therefore, I concur.



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 9th day of February, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board