ILLINOIS POLLUTION CONTROL BOARD
November 7, 2002

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 02-185
	)	(Enforcement - Air)
FERRARA PAN CANDY COMPANY,	)	
	)	
Respondent.	)	

CONCURRING OPINION (by W.A. Marovitz):

I respectfully concur with today's majority opinion. I agree with the outcome of the case, but have a question regarding the penalty. In stipulations the People and respondents agree to a penalty amount that they present to the Board. In future stipulations, I would like the parties to provide further explanation enumerating how they developed the agreed upon penalty. For example in this case, Ferrara Pan Candy Company agreed to pay a $371,688 penalty. How was this figure reached?

For this reason, I respectfully concur.

William A. Marovitz
Board Member

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the above concurring opinion was submitted on November November 7, 2002.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board