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STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 9, 2004

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601-3286

Re: *People v. ESG Watts, Inc., an Iowa corporation*
PCB No. 01-167

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING and COMPLAINANT'S AFFIDAVIT OF ATTORNEY'S FEES AND COSTS in regard to the above captioned matter. Please file the originals and return a file-stamped copy to our office in the enclosed self-addressed stamped envelope.

Thank you for your cooperation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Davis", is written over a horizontal line.

Thomas Davis
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706

TD/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 13 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 ESG WATTS, INC., an Iowa)
corporation,)
)
 Respondent.)

PCB 01-167

NOTICE OF FILING

To: Larry Woodward
Corporate Counsel
Watts Trucking Service, Inc.
P.O. Box 5410
Rock Island, Illinois 61204-5410

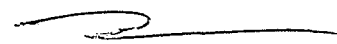
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S AFFIDAVIT OF ATTORNEY'S FEES AND COSTS, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: February 9, 2004

CERTIFICATE OF SERVICE

I hereby certify that I did on February 9, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING and COMPLAINANT'S AFFIDAVIT OF ATTORNEY'S FEES AND COSTS

To: Larry Woodward
Corporate Counsel
Watts Trucking Service, Inc.
P.O. Box 5410
Rock Island, Illinois 61204-5410

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Carol Sudman
Hearing Officer
Illinois Pollution Control Board
1021 N. Grand Avenue East
Springfield, Illinois 62704



Thomas Davis
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

FEB 13 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 ESG WATTS, INC., an Iowa corporation,)
)
 Respondent.)

No. 01-167
(Land-Enforcement)

COMPLAINANT'S AFFIDAVIT OF ATTORNEY'S FEES AND COSTS

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby responds to the directive of the Pollution Control Board in its Interim Opinion and Order of January 8, 2004. In that Order, the Board had found in favor of the People on several violations and found that those violations had been willful and knowing. The People was allowed leave to file an affidavit of its attorney's fees and costs. In several prior matters, the Board has ruled that \$120 per hour is a reasonable assessment of attorney's fees. See *People v. ESG Watts* (February 5, 1998, PCB 96-107, slip op. at 54; *People v. ESG Watts* (May 4, 1995), PCB 94-127, slip op. at 18; *People v. Waste Hauling Landfill* (May 21, 1998), PCB 95-91, slip op. at 35. However, the People respectfully suggest that the Board ought to increase the rate from \$120 per hour to \$150 per hour. The prior rate of \$120 per hour may be adequate for the People's expert witness, Gary Styzens, the Chief Internal Auditor for the Illinois EPA.

The itemized list of significant activities will facilitate the Board's determination of the amounts to be awarded. These facts are verified by the attached affidavits.

<u>Attorney Activity</u>	<u>Hours</u>	<u>Amount</u>
Pleadings	4	\$600

Witness Preparation	3	\$450
Hearing	7	\$1,050
Travel	6	\$900
Briefs	10	\$1,500
<u>Expert Witness Activity</u>	<u>Hours</u>	<u>Amount</u>
Testimony Preparation	15	\$1,800
Testimony at Hearing	1	\$120
Travel	6	\$720
Total fees and costs:		\$7,200

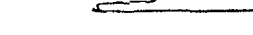
WHEREFORE, Complainant respectfully asks that this Board award the reasonable attorney's fees and expert witness costs as itemized above and require the Respondent to make payment of \$7,200 to the Hazardous Waste Fund.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: February 9, 2004

STATE OF ILLINOIS)
) ss
COUNTY OF SANGAMON)

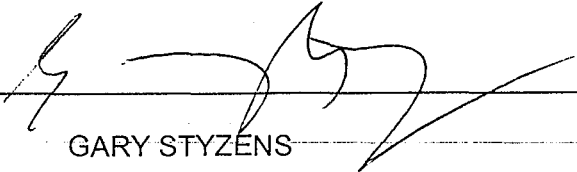
AFFIDAVIT

I, GARY STYZENS, being first duly sworn upon oath, depose and state as follows:

1. I am the Chief Internal Auditor for the Illinois EPA. At the request of the Attorney General's Office, I performed economic benefit calculations regarding the closure of the Taylor Ridge Landfill and testified thereto as an expert witness.

2. I have reviewed the pleading to which this affidavit is attached. The factual information regarding my expert witness activities in PCB 01-167 is true and correct.

FURTHER AFFIANT SAYETH NOT.


GARY STYZENS

Subscribed and Sworn to before me
this 6th day of February ~~January~~ 2004.

Brenda Boehner

NOTARY PUBLIC



STATE OF ILLINOIS)
) ss
COUNTY OF SANGAMON)

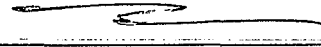
AFFIDAVIT

I, THOMAS DAVIS, being first duly sworn upon oath, depose and state as follows:

1. I am employed by the Illinois Attorney General's Office, as an Assistant Attorney General. Since September 1, 1991, I have served as the Bureau Chief of the Environmental Bureau/Springfield.

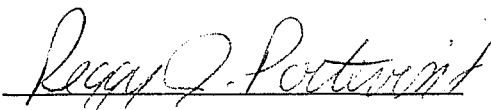
2. I drafted the pleading to which this affidavit is attached. The factual information regarding my litigation activities in PCB 01-167 is true and correct.

FURTHER AFFIANT SAYETH NOT.



THOMAS DAVIS

Subscribed and Sworn to before me
this 9th day of February 2004.



NOTARY PUBLIC

