

ILLINOIS POLLUTION CONTROL BOARD
April 25, 1972

WILLIAM L. RUTHERFORD and)
WILLIAM J. SCOTT, Attorney General)
of Illinois)

v.)

KAMMERER CONCRETE PRODUCTS CO.)

ENVIRONMENTAL PROTECTION AGENCY)

v.)

ZABORAC ELECTRIC, INC.)

PCB 72-31

PCB 72-66

Supplemental Statement by Jacob D. Dumelle

While I am the author of the unanimous opinion in these cases I had opted for \$200 penalties in each instance instead of the \$100 adopted by the 4-1 vote.

The additional money in itself is not important but the principle is worth restating. The \$200 penalty would have come closer to recovering to the State of Illinois taxpayers the cost of the proceedings. When one adds up the hearing officer's fee, travel, newspaper notices, the Board's time, and the Attorney-General's staff time, the cost to the taxpayers would run well over \$200 per case.

I feel as a matter of principle the Board ought to at least recover to the State of Illinois the cost incurred in a pollution proceeding when a finding of guilty is made unless the respondent is clearly destitute or unable to pay. Both of these respondents are companies and there is no evidence that they cannot each pay the additional hundred dollars.



Jacob D. Dumelle
Board Member

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Supplemental Statement was submitted and filed on the 28 day of April, 1972.



Christan L. Moffett, Clerk
Illinois Pollution Control Board