

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

IN THE MATTER OF:)
BI-STATE DISPOSAL, INC.) AC 88-33
) Docket B
Respondent.)

JAY HOFFMAN, ESQ., ASSISTANT STATE'S ATTORNEY FOR ST. CLAIR COUNTY, APPEARED ON BEHALF OF THE COMPLAINANTS, COUNTY OF ST. CLAIR.

THOMAS IMMEL, ESQ. OF IMMEL, ZELLE, OGREN, MCCLAIN, GERMERAAD AND COSTELLO, APPEARED ON BEHALF OF THE RESPONDENTS, BI-STATE DISPOSAL, INC.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board from the filing of two Administrative Citations by the State's Attorney of St. Clair County, pursuant to Section 31.1 of the Illinois Environmental Protection Act (hereinafter "Act"). The citations alleged that Bi-State Disposal, Inc. violated Sections 21(p)(5) and 21(p)(12) of the Act on March 26, 1988 and Section 21(p)(5) on April 1, 1988, April 3, 1988 and April 6, 1988. The civil penalty established for each of these violations is \$500.00 plus any hearing costs incurred by the Board, the Agency or a party to which the Agency has designated authority to enforce the Act, pursuant to Section 42(b)(4) of the Act.

On a Petition for Review filed on behalf of the Respondent, hearing was held on September 8, 1988. On December 15, 1988, the Board issued an Opinion and Order that accepted the Stipulation that the parties agreed to at the hearing and imposed a penalty in the amount of \$3,000.00. The Board also directed the Clerk of the Board and the State's Attorney of St. Clair County to file affidavits declaring their hearing costs.

On February 2, 1989, St. Clair County filed an affidavit stating that its hearing costs were \$31.20 for the hearing on AC 88-24 and AC 88-33. The Clerk of the Board filed an affidavit on December 15, 1988 stating that the hearing costs incurred by the Board in AC 88-24 and AC 88-33 were \$837.60. The Board will assess one half of these hearing costs against the Respondent in AC 88-33.

It is hereby ordered that within 30 days of the date of this Order, Bi-State Disposal, Inc. shall, by certified check or money order, payable to the State of Illinois and designated for

deposit into the General Revenue Fund, pay as compensation for hearing costs incurred by the Board and the State's Attorney of St. Clair County, the amount of \$434.40, which is to be sent to:

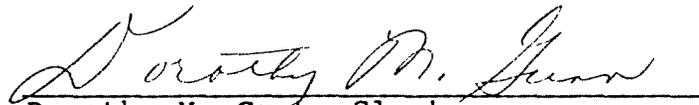
Illinois Environmental Protection Agency
Fiscal Service Division
2200 Churchill Road
Springfield, IL 62706

This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111^{1/2}, par. 1041, provides for appeal of Final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 23rd day of February, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board