

ILLINOIS POLLUTION CONTROL BOARD
February 4, 1993

SANGAMON COUNTY,)	
)	
Complainant,)	
)	
v.)	AC 92-37
)	Docket B
)	(Administrative Citation)
GERALD B. MILLER)	(SCDPH 92-AC-12)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board on an Administrative Citation filed by Sangamon County pursuant to the Illinois Environmental Protection Act (Act) (415 ILCS 5/1 et. seq., (1992)). The citation was filed May 14, 1992, and alleges that respondent, Gerald B. Miller violated Section 21(p)(1) of the Act by causing or allowing open dumping of waste resulting in litter.

A petition for review was filed with the Board on June 16, 1992. Hearing was held on September 8, 1992, in Springfield, Illinois. On December 17, 1992, the Board issued an order finding that the cited violation had occurred and imposed a penalty of five hundred dollars (\$500.00). The Board also directed the Clerk of the Board to file an affidavit declaring hearing costs.

On January 8, 1993, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were eight hundred sixty-two dollars and twenty-five cents (\$862.25). On September 16, 1992, Sangamon County filed an affidavit stating that the county's hearing costs were ninety dollars (\$90.00). Therefore, the total hearing cost to be assessed against respondent is nine hundred fifty-two dollars and twenty-five cents (\$952.25).

This opinion constitutes the Board's findings of facts and conclusions of law in this matter.

ORDER

1. It is hereby ordered that within 30 days of the date of this order, Gerald B. Miller shall, by certified check or money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pay as compensation for hearing costs incurred by the Board and the County, the amount of nine hundred fifty-two dollars and twenty-five cents (\$952.25) which is to be sent by First Class mail to:

0139-0109

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Respondent shall write the case name and number and social security or federal Employer Identification Number on the certified check or money order.

Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.

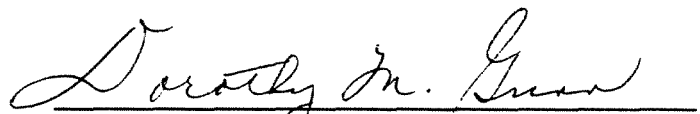
2. This docket is hereby closed.

Section 41 of the Environmental Protection Act (415 ILCS 5/41, (1992)) provides for the appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Castenada v. Illinois Human Rights Commission (1989), 132 Ill.2d 304, 547 N.E.2d 437.)

IT IS SO ORDERED.

J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above opinion and order was adopted on the 4th day of February, 1993, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board