

ILLINOIS POLLUTION CONTROL BOARD
November 7, 1991

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY)
)
Complainant,)
)
v.) AC 90-26
) Docket B
) (IEPA Case No. 134-90-AC)
ESG WATT'S, INC., a foreign) (Administrative Citation)
Corporation licensed to do)
business in Illinois,)
)
Respondent.

OPINION AND ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board from the filing of an Amended Administrative Citation by the Illinois Environmental Protection Agency ("Agency"), pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act"). The citation, as amended, alleged that on January 29, 1990 ESG Watts, Inc. violated section 21(p)(1) and 21(p)(5) of the Act and that on February 9, 1990 ESG Watts, Inc. violated Section 21(p)(1), 21(p)(2), 21(p)(3) and 21(p)(5) of the Act. The civil penalties established for each of these violations is \$500.00 plus any hearing cost incurred by the Board or the Agency.

A petition for review was filed by the Respondent and subsequently withdrawn. On August 8, 1991 the Board issued an Opinion and Order finding that the cited violations had occurred and imposing a penalty of \$3,000.00. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

The Agency has not filed an affidavit. The Clerk of the Board filed an affidavit on September 6, 1991 stating that the hearing costs incurred by the Board were \$159.75. The total hearing costs to be assessed against the Respondent are \$159.75.

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

ORDER

It is hereby ordered that within thirty days of the date of this Order, ESG Watts, 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 Agency, the amount of \$159.75, which is to be sent to:

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

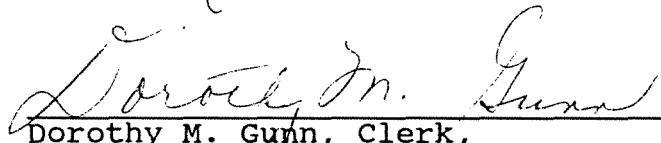
This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill.Rev.Stat. 1989, 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.

Board Member J. Theodore Meyer dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of November, 1991, by a vote of 6-1.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board