

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1992

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|------------------------|---|----------------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | AC 92-3 (Docket B) |
| |) | (IEPA Docket No. 52-92-AC) |
| |) | (Administrative Citation) |
| DENNIS GRUBAUGH, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On January 27, 1992, the Illinois Environmental Protection Agency (Agency) filed an administrative citation alleging that on November 25, 1991, an on-site inspection of respondent's property disclosed violations of Section 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act (Act). (Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021.) On February 25, 1992, the Board received a letter from the respondent which the Board construed as a request to review the issuance of the citation.

Hearing was held on May 22, 1992, in Vandalia, Illinois. No members of the public attended. On October 16, 1992, the Board issued an Order finding that the cited violations had occurred and imposed a penalty of one thousand dollars (\$1,000). The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

On October 22, 1992, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were five hundred forty dollars and eight cents (\$540.08). The Agency filed an affidavit on November 23, 1992, stating that the Agency's costs were thirty eight dollars (\$38.00). Therefore, the total hearing costs to be assessed against Respondent are five hundred seventy-eight dollars and eight cents (\$578.08).

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, Dennis Grubaugh 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 Agency, the amount of five hundred seventy-eight dollars and eight cents (\$578.08) which is to be

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eight dollars and eight cents (\$578.08) which is to be sent by First Class mail to:

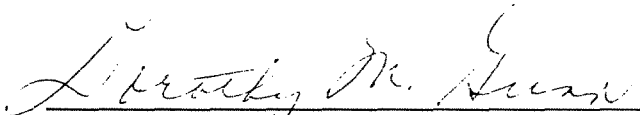
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

2. This docket is hereby closed.

Section 41 of the Environmental Protection Act (Ill.Rev.Stat. 1991, ch. 111 1/2, par. 1041) 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Opinion and Order was adopted on the 2nd day of December, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board