

ILLINOIS POLLUTION CONTROL BOARD
December 19, 1991

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,) AC 90-91
) Docket B
v.) (Administrative Citation)
) (IEPA No.529-90-AC)
BERNARD LEITSCHUH,)
)
Respondent.)

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

This matter comes to the Board on an Administrative Citation filed by the Illinois Environmental Protection Agency ("Agency") pursuant to the Illinois Environmental Protection Act (hereinafter "the Act") (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et. seq.). The citation was filed November 26, 1990, and alleges that Respondent, Bernard Leitschuh, the operator of a facility located in Montgomery County, Illinois is in violation of Section 21(q) (1) and 21(q) (3) of the Act for causing or allowing open dumping of waste that results in litter and results in open burning.

A Petition for Review was filed with the Board on December 21, 1990. Hearing was held on July 12, 1991, at the Montgomery County Courthouse in Hillsboro, Illinois. On October 24, 1991, 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 November 6, 1991, the Clerk of the board filed an affidavit stating that the Board's hearing costs were four hundred fifty-one dollars (\$451.00). On November 18, 1991, the Agency filed an affidavit stating that the Agency's hearing costs were twenty-five dollars (\$25.00). Therefore, the total hearing cost to be assessed against Respondent is four hundred seventy-six dollars (\$476.00).

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

ORDER

1. It is hereby ordered that within 30 days of the date of this Order, Bernard Leitschuh 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 four hundred seventy-six (\$476.00) which is to be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Divisions
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.

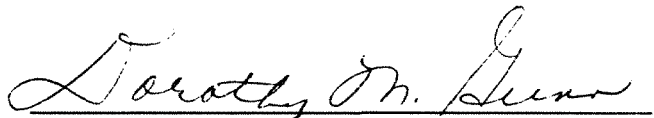
Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.

2. This docket is hereby closed.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1990 supp., 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, do hereby certify that the above Opinion Order was adopted on the 19th day of December, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board