

ILLINOIS POLLUTION CONTROL BOARD
June 7, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 89-292 (Docket A)
)	IEPA No.10069-AC
)	(Administrative Citation)
LAND & LAKES COMPANY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a May 23, 1990 Motion to Withdraw Appeal filed by the respondent, Land & Lakes Company. Respondent filed its petition for review with the Board on January 17, 1990. A hearing was held in this matter on March 23, 1990. The Board hereby grants respondent's motion to withdraw the petition for review. Pursuant to Section 31.1(d)(1) of the Environmental Protection Act (Act), the Board will adopt a final order with the finding of violations and imposition of penalties.

On December 13, 1989, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon the Land & Lakes Company on December 14, 1989. The Agency alleges that on October 19, 1989, the Land & Lakes Company, present operator of a facility located in the County of Cook, violated Section 21(p)(5) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Respondent has now withdrawn its petition for review. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the (respondent) has violated the provisions alleged in the amended Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is \$500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the Land & Lakes Company shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

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

For purposes of review, today's action constitutes final action on Docket A in this matter, dealing with the civil penalty for violation of Section 21 of the Act. The Clerk is hereby ordered to open Docket B in this matter pertaining to hearing costs pursuant to Section 42(b)(4) of the Act.

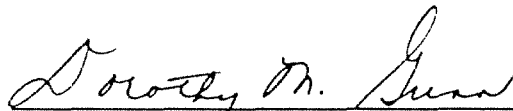
In addition to the above penalty, Land & Lakes Company shall pay any hearing costs incurred by the Board and the Agency. Therefore, within 30 days of this Order, the Illinois Environmental Protection Agency shall file a statement of hearing costs with the Board, supported by affidavit and with service upon Land & Lakes Company. Within that same 30 days, the Clerk of the Pollution Control Board shall file a statement of the Board's costs, supported by affidavit and with service upon Land & Lakes Company. Such filings shall be entered in Docket B.

Respondent is hereby given leave to file a reply/objection to the filings as ordered above within 45 days of this Order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 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 Order was adopted on the 7th day of June, 1990, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board