

ILLINOIS POLLUTION CONTROL BOARD  
March 8, 1990

COUNTY OF DUPAGE,	)	
Complainant,	)	AC 88-76, 88-77
	)	Docket B
v.	)	(IEPA Nos. 88-CD-278,
	)	88-CD-279)
E & E HAULING, INC.,	)	(Administrative Citation)
Respondent.	)	

WILLIAM SELTZER APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL AGENCY;

GRETTA TAMELING APPEARED ON BEHALF OF THE OFFICE OF THE STATE'S ATTORNEY OF DUPAGE COUNTY;

RAYMOND T. ROETT AND ROBERT P. ZAPINSKI, JENNER AND BLOCK, APPEARED ON BEHALF OF E & E HAULING, INC.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon the filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act"). (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1031.1.) Petitions for review were filed on August 2, 1988 and a hearing was held on December 8, 1988. On September 13, 1989, the Board found in Docket A of this consolidated appeal that E & E Hauling, Inc. had violated Section 21(p)(5) of the Act on two occasions and imposed a civil penalty of \$1,000. After reviewing DuPage County's affidavit of hearing costs, the Board entered an Interim Order rejecting those items submitted by the County as not being recoverable as "hearing costs" under Section 42(b)(4) of the Act and allowing the County to resubmit its affidavit of hearing costs consistent with the Board's Interim Order.

On February 27, 1990, the County filed its second affidavit of hearing costs stating that had not incurred any "hearing costs" consistent with the Board's Interim Order. The Clerk of the Board filed an affidavit on October 4, 1989 stating that it had incurred hearing costs of \$1,896.10. Therefore, the total hearing costs to be assessed against Respondent are \$1,896.10.

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

ORDER

It is hereby ordered that within thirty days of the date of this Order, E & E Hauling, Inc. shall, by certified check or money order, payable to the State of Illinois and designated for deposit in the General Revenue Fund, pay as compensation for hearing costs incurred by the Board, the amount of \$1,896.10, which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchhill Road  
Springfield, Illinois 62706

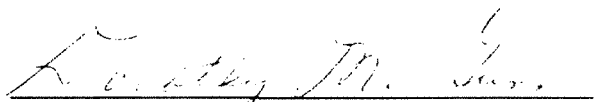
This docket is hereby closed.

Section 41 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1041) provides for the appeal of final orders of the Board within 35 days. The Rule of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

Board Member J. Anderson dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9<sup>th</sup> day of March, 1990, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board