

ILLINOIS POLLUTION CONTROL BOARD
August 30, 1990

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

MS. BARBARA SMILES, ASSISTANT STATE'S ATTORNEY FOR WILL COUNTY,
APPEARED ON BEHALF OF THE COMPLAINANT.

MR. JOHN F. WARD APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board from the December 13, 1989 Administrative Citation by the Illinois Environmental Protection Agency ("Agency"), pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act"). The citation alleged that Respondent violated Section 21 of the Act. The civil penalty established for this violation is \$500.00 plus any hearing cost incurred by the Board or the Agency.

A petition for review was filed by the Respondent, but then withdrawn at hearing. On June 7, 1990, the Board issued an Order finding that the cited violation had occurred and imposed a penalty of \$500.00. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

The Clerk of the Board filed an affidavit stating that the hearing costs incurred by the Board were \$281.00. The Agency did not file an affidavit. The total hearing costs to be assessed against the Respondent are \$281.00.

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

ORDER

It is hereby ordered that within thirty days of the date of this Order, Land and Lakes Company 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, the amount of \$281.00, which is to be sent to:

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

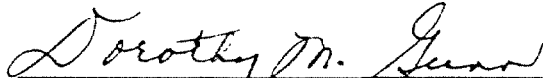
This docket is hereby closed.

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 dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 30th day of August, 1990, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board