

ILLINOIS POLLUTION CONTROL BOARD
February 2, 1989

IN THE MATTER OF:)	AC 88-75
)	AC 88-80
STEVE ZIMMERMAN AND WASTE, LTD.,)	AC 88-81
INC.)	AC 88-85
)	AC 88-86
Respondents.)	(CONSOLIDATED)
)	DOCKET B

STEWART J. UMHOLTZ, ESQ., ASSISTANT STATE'S ATTORNEY FOR TAZEWELL COUNTY, APPEARED ON BEHALF OF THE COMPLAINANT, COUNTY OF TAZEWELL.

DANIEL M. REAVY, ESQ., OF MOHAN, ALEWELT AND PRILLAMAN, APPEARED ON BEHALF OF THE RESPONDENTS, STEVE ZIMMERMAN AND WASTE, LTD.

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

This matter comes before the Board from the filing of five Administrative Citations by the State's Attorney of Tazewell County, pursuant to Section 31.1 of the Illinois Environmental Protection Act (hereinafter "Act"). The citations alleged that Steve Zimmerman and Waste Limited, Inc. violated Sections 21(d)(1), 21(p)(5), 21(p)(7) and 21(p)(12) of the Act. The civil penalty established for each of these violations is \$500.00 plus any hearing cost incurred by the Board, the Agency or a party to which the Agency has designated authority to enforce the Act, pursuant to Section 42(b)(4) of the Act.

On a Petition for Review filed on behalf of the Respondents, hearings were held on October 25, 1988 and November 29, 1988. On December 15, 1988, the Board issued an Opinion and Order finding that two of the cited violations had occurred and imposed a penalty in the amount of \$1,000.00. The Board also directed the Clerk of the Board and the State's Attorney of Tazewell County to file affidavits declaring their hearing costs.

On January 6, 1989, Tazewell County filed an affidavit stating that it agreed in the Stipulation in this case not to seek recovery of its hearing costs. Therefore, Tazewell County has declared no hearing costs. The Clerk of the Board filed an affidavit on January 9, 1989 stating that the hearing costs incurred by the Board in this matter were \$887.63. The total hearing costs to be assessed against the Respondent are \$887.63.

It is hereby ordered that within 30 days of the date of this Order, Steve Zimmerman and Waste Limited, Inc. 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 \$887.63, which is to be sent to:

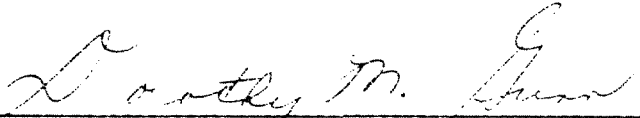
Illinois Environmental Protection Agency
Fiscal Service Division
2200 Churchill Road
Springfield, IL 62706

This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, 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 Opinion and Order was adopted on the 2nd day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board