

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAR 06 2006

STATE OF ILLINOIS
Pollution Control Board

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,

Complainant,

v.

FRANK BENCIE,

Respondent.

AC 04-77

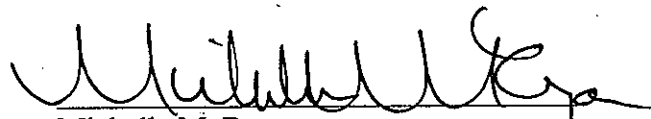
(IEPA No. 265-04-AC)

NOTICE OF FILING

To: Frank Bencie
10220 Bencie Lane
West Frankfort, Illinois 62896

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled COMPLAINANT'S STATEMENT OF HEARING COSTS.

Respectfully submitted,



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

Dated: March 2, 2006

THIS FILING SUBMITTED ON RECYCLED PAPER

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ILLINOIS ENVIRONMENTAL
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COMPLAINANT'S STATEMENT OF HEARING COSTS

NOW COMES the Complainant, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by and through its attorney, Michelle M. Ryan, pursuant to 35 Ill. Adm. Code 108.502 and the Order of the Pollution Control Board ("Board") in this case dated February 16, 2006, and presents its Statement of Costs for this case as follows:

Mileage (Springfield-Benton and return) total 331 miles @ \$.405/mile	\$134.06
Subtract 50% of Line 1 (see attached affidavit)	(67.03)
Copying/clerical/mailing fees (estimated)	\$35.00
TOTAL CLAIMED:	\$102.03

WHEREFORE, the Complainant requests that the Board order the defendant to pay \$102.03 to Illinois EPA for its hearing costs in this case.

ILLINOIS EPA, Complainant,

DATED: March 2, 2006

BY: 

MICHELLE M. RYAN
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

AFFIDAVIT

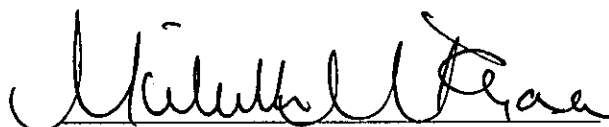
I, Michelle M. Ryan, being first duly sworn upon oath, depose and state as follows:

1. I am employed by the Illinois Environmental Protection Agency ("Illinois EPA"), as Assistant Counsel for the Bureau of Land.
2. As part of my duties, I am responsible for the preparation of Administrative Citations issued by the Illinois EPA and the negotiation and litigation of appeals filed pursuant to such Administrative Citations. As part of my job experience, I have also submitted travel vouchers for reimbursement.
3. I have reviewed the Illinois EPA Division of Legal Counsel File 265-04-AC, which relates to AC 04-77, *Illinois EPA v. Frank Bencie* for the purpose of determining the costs expended by Illinois EPA.
4. I was the Illinois EPA attorney assigned to handle the hearing for AC 04-77, which was held in Benton. I was required to travel from Springfield to Benton and back for this hearing. The Illinois Department of Transportation map of the State of Illinois indicates that the distance between Springfield and Benton is approximately 159 miles. Based on my own job experience, I am aware that the approved mileage reimbursement rate in November 2005 was \$.405 per mile. Therefore, the mileage costs for the hearing in this matter was 318 miles, totaling \$128.79.
5. On November 16, 2005, I traveled to the hearing in this matter as well as another hearing in Pinckneyville for a hearing on AC 05-18, *Illinois EPA v. William Shrum*. As a result, I

made one round trip for a total of two hearings. I determined that my actual mileage on the odometer from Springfield to Benton to Pinckneyville and returning to Springfield totaled 331 miles. For ease in calculation, Illinois EPA is claiming half of these actual mileage costs for this matter, totaling \$67.03.

6. As the attorney currently assigned to handle Administrative Citations, I am aware that Illinois EPA incurs costs for copying documents, preparation of documents for mailing and service, and certified and first class mailings. Based upon my review of File 265-04-AC, I estimate that these costs expended by Illinois EPA on this Administrative Citation through the hearing date approximate \$35.00.

FURTHER AFFIANT SAYETH NOT.


Michelle M. Ryan

Subscribed and Sworn to before
me this 2nd day of March, 2006.


Notary Public



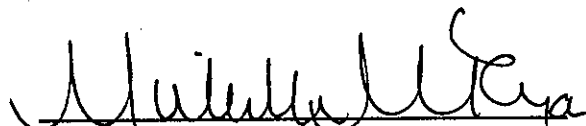
PROOF OF SERVICE

I hereby certify that I did on the 2nd day of March, 2006, send by U.S. Mail with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instrument(s) entitled COMPLAINTANT'S STATEMENT OF HEARING COSTS

To: Frank Bencie
10220 Bencie Lane
West Frankfort, Illinois 62896

and the original and nine (9) true and correct copies of the same foregoing instruments on the same date by U.S. Mail with postage thereon fully prepaid

To: Dorothy Gunn, Clerk
Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601



Michelle M. Ryan
Special Assistant Attorney General

Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

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