

ILLINOIS POLLUTION CONTROL BOARD
March 23, 1989

IN THE MATTER OF:)
)
BEECHER DEVELOPMENT COMPANY,) AC 88-14
FORMERLY NAMED AS) Docket B
ARTHUR A. DANIELS, PRESIDENT) (IEPA No. 8842-AC)
OF JOHN SEXTON CONTRACTORS, CO.,)
)
Respondent.)

WILLIAM SELTZER, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
APPEARED ON BEHALF OF THE COMPLAINANT; AND

NANCY KOLLAR, WINSTON AND STRAWN, APPEARED ON BEHALF OF THE
RESPONDENT.

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

This matter comes before the Board upon the filing of an Administrative Citation ("Citation") by the Illinois Environmental Protection Agency ("Agency"), pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act"). The citation alleged that Beecher Development Company ("Beecher") violated Sections 21(p)(5) 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 and the Agency, pursuant to Section 42(b)(4) of the Act.

On a Petition for Review filed by Beecher and after hearing held on September 26, 1988, the Board issued an Opinion and Order finding that the two cited violations had occurred and that there were no uncontrollable circumstances, and imposing a penalty in the amount of \$1,000.00 (AC 88-14 Docket A). The Board also directed the Clerk of the Board and the Agency to file affidavits specifying their hearing costs incurred.

On February 2, 1989, the Clerk of the Board filed an affidavit stating that the hearing costs incurred by the Board in this matter were \$967.50. The Agency filed an affidavit on February 16, 1989 stating that the hearing costs incurred by the Agency were \$70.65. Therefore, the total hearing costs to be assessed against the Respondent, Beecher, are \$1,038.15.

It is hereby ordered that within 30 days of the date of this Order, Beecher Development 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 and the Agency the amount of \$1,038.15, which is to be sent to:

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

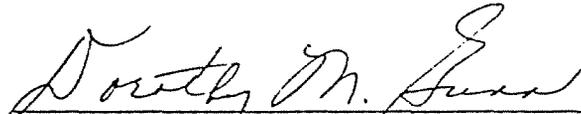
This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 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.

J. T. 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 23rd day of March, 1989, by a vote of 6-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board