

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-111  
) (Enforcement - Water)  
JOHN PRIOR AND INDUSTRIAL )  
SALVAGE, INC., )  
)  
Respondents. )  
)

ORDER OF THE BOARD (by G.T. Girard):

This matter is before the Board on the December 20, 1996, complaint of the Attorney General, filed on behalf of the People of the State of Illinois (complainant) and at the request of the Illinois Environmental Protection Agency (Agency). The complaint alleges that John Prior and Industrial Salvage, Inc. (collectively referred to as respondents), as owners and operators of three landfills in Marion County, have violated Sections 12(a), 21(d)(1), (d)(2), and (o)(11) of the Illinois Environmental Protection Act (415 ILCS 5/12(a), 21(d)(1), (d)(2), (o)(11) (1996)) and Sections 620.115, 620.301, 620.302(c), 620.405, 620.410, 807.313, and 807.315 of the Board's groundwater quality standards. 35 Ill. Adm. Code 620.115, 620.301, 620.302(c), 620.405, 620.410, 807.313, 807.315. Complainant asks the Board to impose civil penalties and attorney fees. The three landfills that are the subject of this enforcement action are located on three adjacent properties near Centralia, and are known as the Centralia/Prior site, the Prior/Blackwell site, and the Industrial Salvage site.

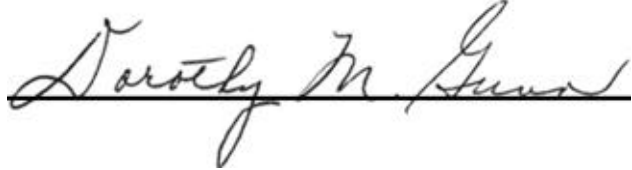
Complainant's brief was filed on June 13, 1997. Respondents' response brief was filed on July 7, 1997. Complainant's reply brief was filed on July 9, 1997. In its reply brief, complainant provided an affidavit of Thomas Davis, outlining the attorney fees expended in prosecution of this matter. In his affidavit, Mr. Davis attests that he spent 21 hours prosecuting this case at an hourly rate of \$120. Mr. Davis, therefore, asks for \$2,520 in attorney fees.

As the original briefing schedule in this case apparently did not contemplate inclusion of the attorney fees affidavit in complainant's reply brief, the Board hereby provides respondents with seven (7) days from the date of this order to respond to complainant's request for attorney fees. Respondents' response to complainant's request for attorney fees is due on or before November 13, 1997.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of November 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board