

ILLINOIS POLLUTION CONTROL BOARD
October 20, 1988

IN THE MATTER OF:)
)
DAN HEUSINKVED, County Clerk,) AC 87-25, Docket B
County of Whiteside, State) (IEPA Docket No. 8302-AC)
of Illinois,)
)
Respondent.)

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board upon a March 25, 1987 filing of an administrative citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). The administrative citation alleged that Whiteside County (County) violated Sections 21(p)(5) and 21(p)(12) of the Act. The civil penalty established for each of these violations is \$500.00 for each violation of each provision of Subsection (p) of Section 21 of the Act, plus any hearing costs incurred by the Board and the Agency, pursuant to Section 42(b)(4) of the Act.

The County filed a Petition for Review with the Clerk of the Board on April 29, 1987. Hearing was held on October 27, 1987. On January 21, 1988, the Board issued an Order which found that the County violated Sections 21(p)(5) and 21(p)(12) and imposed a civil penalty in the amount of \$1,000. The Board also directed the Agency and the Clerk of the Board to file a statement of hearing costs incurred, supported by affidavit and with service on the County.

The Agency filed a statement of its costs on May 4, 1988. The Clerk filed the statement of Board costs on August 16, 1988.

By Order of August 18, the Board noted certain deficiencies in the Agency's May 4, 1988 filing. The Order requested the filing of a revised statement on or before September 5, and gave the County leave to respond on or before September 20. The Agency made its revised filing on August 26. The County has filed no reply/objection.

The Board finds that the costs to be assessed against the County are:

Board Costs:	\$647.79
Agency Costs:	\$153.17
TOTAL:	<u>\$801.06</u>

It is hereby ordered that within 30 days of the date of this Order, the County 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 \$801.06, which is to be sent to:

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

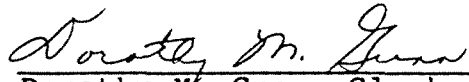
This docket is hereby closed.

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.

J. T. Meyer and M. Nardulli dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 20th day of October, 1988 by a vote of 5-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board