

ILLINOIS POLLUTION CONTROL BOARD
June 23, 1992

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 89-224 (Docket B)
) (Administrative Citation)
JOHN VANDER,)
)
Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

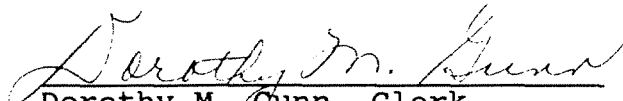
This matter is before the Board on a June 2, 1992 letter of Southern Illinois Asphalt Co., Inc. (Southern). Southern states that "[b]ecause Vander is a subcontractor, I have paid the \$1,000 fine and by means of this letter, I am asking for relief from the \$1,225.01 costs." The Board construes this letter as a motion for reconsideration of the Board's April 23, 1992 opinion and order imposing hearing costs of \$1,225.01 on John Vander.

Southern's motion for reconsideration is denied for the following reasons: (1) Southern is not a party to this administrative citation proceeding and, therefore, has no standing to seek reconsideration; and (2) even if Southern had standing, motions for reconsideration must be filed within 35 days of the Board's order (35 Ill. Adm. Code 101.246(a)) such that the instant motion is five days late. Only Vander has standing to ask the Board for reconsideration of the Board's April 23, 1992 and he has not done so in a timely manner.

Southern's request for relief from the imposition of hearing costs against John Vander is denied.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of June, 1992 by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board