

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

ST. CLAIR COUNTY,)
)
 Complainant,)
) AC 89-18
 v.) (Administrative Citation)
) (Docket B)
 J & R LANDFILL, INC.) County No. 89-1 SC
 an Illinois Corporation,)
)
 Respondent.)

MR. DENNIS HATCH, ESQ., APPEARED ON BEHALF OF THE OFFICE OF THE STATES ATTORNEY FOR ST. CLAIR COUNTY.

THOMAS J. IMMEL OF IMMEL, ZELLE, OGREN, MCCLAIN, GERMERAD AND COSTELLO APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board from the filing of an Administrative Citation by St. Clair County ("County") under the authority vested in the Illinois Environmental Protection Agency pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act") and delegated to the County pursuant to Section 4(r) of the Act. The citation alleged that J & R Landfill, Inc. violated Section 21(p)(5) of the Act on two separate dates and twice violated Section 21(p)(12) at separate times. The civil penalties established for each of these violations is \$500.00 plus any hearing costs incurred by the Board or the Agency.

On a petition for review filed by the Respondent, hearing was held on this matter September 13, 1989. On May 10, 1990 the Board issued an Opinion and Order finding that two separate violations of Section 21(p)(5) had occurred and imposed a penalty of \$1,000.00. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

The Clerk of the Board filed an affidavit on May 18, 1990 stating that the hearing costs incurred by the Board were \$1,293.81. The County failed to submit any costs for consideration. The total hearing costs to be assessed against the Respondent are \$1,293.81.

This Opinion constitutes the Board's findings of facts and conclusions of law in this matter.

ORDER

It is hereby ordered that within thirty days of the date of this Order, J & R Landfill, Inc. 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, the amount of \$1,293.81 which is to be sent to:

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

Respondent is to place its Federal Employer Identification Number on the check or money order.

This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, 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.

Board Members J.D. Dumelle and J. Theodore Meyer dissented and Board Member J. Anderson concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of August, 1990, by a vote of 4-2.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board