

ILLINOIS POLLUTION CONTROL BOARD
July 22, 1993

COUNTY OF OGLE,)
)
 Petitioner,)
)
 v.) AC 92-26
) Docket B
) (Administrative Citation)
 ROCHELLE DISPOSAL SERVICE,)
 INC., and CITY OF ROCHELLE,,)
 ILLINOIS,)
)
 Respondent.)

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

This matter is before the Board on an administrative citation (AC) filed by the County of Ogle pursuant to the Environmental Protection Act. (415 ILCS 5/1 et seq. (1992).) The citation was filed on April 2, 1992, and alleges that respondents, Rochelle Disposal Service (Rochelle Disposal) and the City of Rochelle (Rochelle) violated Section 21(o)(12) of the Act by conducting a sanitary landfill operation in a manner which resulted in a failure to collect and contain litter from the site by the end of each operating day.

Both respondents filed a petition for review with the Board, Rochelle on May 4, 1992, and Rochelle Disposal on April 15, 1992. A hearing was held on February 11, 1993, in the Ogle County Courthouse, Oregon, Illinois, at which no members of the public were present. On May 20, 1993, the Board issued an order finding that the cited violation had occurred and imposed a five hundred dollar (\$500.00) fine. The Board also directed the Clerk of the Board and the County to file affidavits declaring their hearing costs.

On May 26, 1993, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were one thousand ninety one dollars and ninety five cents (\$1,091.95). The County filed an affidavit on June 21, 1993, stating that the County's costs were one hundred twenty eight dollars and eight cents (\$128.08). Therefore, the total hearing costs to be assessed against respondent are one thousand two hundred twenty dollars and three cents (\$1,220.03).

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

ORDER

1. It is hereby ordered that within 30 days of the date of this order, respondent shall, by certified check or

money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pay as compensation for hearing costs incurred by the Board the amount of one thousand ninety one dollars and ninety five cents (\$1,091.95) which is to be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

2. It is hereby ordered that within 30 days of the date of this order, respondent shall, by certified check or money order, payable to the Ogle County Treasurer, pay as compensation for hearing costs incurred by Ogle County the amount of one hundred twenty eight dollars and eight cents (\$128.08) which is to be sent by First Class mail to:

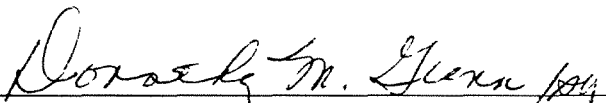
Ogle County Treasurer
Ogle County Courthouse
P.O. Box 40
Oregon, IL 61061

3. This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also, 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 22nd day of July, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board