

ILLINOIS POLLUTION CONTROL BOARD
June 3, 1993

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 92-41
) (Docket B)
LAKEWOOD HOMES &) (IEPA No. 260-92-AC)
DEVELOPMENT CO., INC.) (Administrative Citation)
)
Respondent.)

ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board on a petition for review of an administrative citation. The citation was filed on May 26, 1992 and alleges that respondent, Lakewood Homes & Development Co, Inc. (Lakewood), as the owner of property located in Northlake, has violated Section 21(p)(1) of the Environmental Protection Act (Act), (415 ILCS 5/21(p)(1) (1992)), by causing or allowing open dumping of waste resulting in litter on the property. Lakewood filed a petition for review with the Board on June 29, 1992.

On March 25, 1993, the Board found Lakewood Homes & Development Co., Inc. in violation of Section 21(p)(1) of the Act for allowing litter. The Board ordered Lakewood to pay a penalty of five hundred dollars (\$500.00). The Board also instructed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs within 30 days.

The Clerk of the Board filed an affidavit of costs on March 30, 1993, stating that the Board's hearing costs were eight hundred thirty dollars (\$830.00). The Agency has not filed an affidavit of costs.

Therefore, the total hearing cost to be assessed against the respondent is eight hundred thirty dollars (\$830.00).

ORDER

1. It is hereby ordered that within 30 days of the date of this order, Lakewood Homes & Development Co. Inc. 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 \$830.00 which is to be sent by First Class mail to:

0143-0095

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

Respondent shall write the case name, case number, and social security or Federal Employer Identification Number on the certified check or money order.

Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Environmental Protection Act.

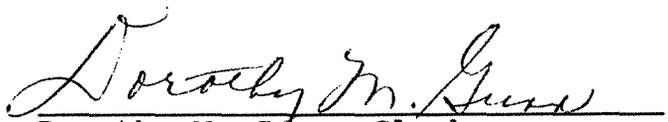
2. This docket is hereby closed.

IT IS SO ORDERED.

J. Theodore Meyer dissented.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)) provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of June, 1993, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board