

ILLINOIS POLLUTION CONTROL BOARD  
December 6, 1991

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 90-56  
 ) (IEPA Case No. 295-90-AC)  
STEVE GILBERT, ) (Administrative Citation)  
 )  
Respondent. )  
 )

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a November 15, 1991 letter from the Illinois Environmental Protection Agency (Agency).<sup>1</sup> The letter states that the respondent, Steve Gilbert, has refused to pay a portion of the hearing costs assessed against him in a July 25, 1991 Board Order in this matter. The letter requests that the Board determine the validity of respondent's claim.

Enclosed with the letter were copies of a July 31, 1991 letter from the respondent to the Board and an October 24, 1991 letter from respondent to the Agency. The first sentence of the July 31, 1991 letter states that "[e]nclosed is a check for the Pollution Control Board cost." Respondent had been instructed by the July 25, 1991 Board Order to send such payment to the Agency in Springfield. On the basis of this first sentence the misdirected letter and check were apparently sent on to the Agency without the letter being docketed into the Board's filing system.

The October 24, 1991 letter to the Agency is apparently in response to an Agency inquiry concerning the unpaid portion of the costs assessed against respondent. In both letters the respondent stated that the unpaid portion was for an overnight stay by the hearing officer which the respondent felt was not a necessary or just expense. The amount unpaid is \$37.74.

In light of the Agency's request for a determination on the issue of proper costs and the possibility of a filing error at the Board, the Board will reopen this docket. The July 31, 1991 letter will be construed in this one instance as a timely filed motion to reconsider the imposition of hearing costs. The Board notes that if the letter had not been forwarded to the Agency,

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<sup>1</sup> This letter has not been on the Board's meeting agenda previously because it was not received by the Clerk's office until recently. The letter was originally addressed to a Board Member.

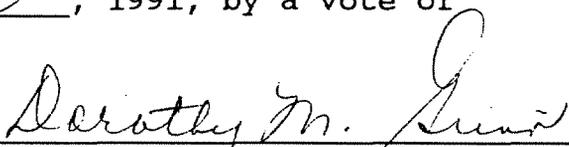
the Board would have taken this course of action upon receipt of the respondent's letter in early August.

The motion to reconsider is denied. The hearing costs contested by the respondent are of the type normally and consistently imposed by the Board.

IT IS SO ORDERED.

J. T. Meyer concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 6<sup>th</sup> day of December, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board