

ILLINOIS POLLUTION CONTROL BOARD
October 24, 1991

ST. CLAIR COUNTY,)
)
 Complainant,)
) AC 90-67
) (Docket B)
 v.) (Administrative Citation)
)
 TIMOTHY E. DOCTOR d/b/a)
 MACLAIR ASPHALT, INC.,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes to the Board upon an administrative citation filed by St. Clair County ("County") pursuant to Section 31.1 of the Environmental Protection Act (Ill. Rev. Stat. 1990, supp., ch. 111 1/2, par. 1001 et seq.) (the Act) and a delegation agreement with the Illinois Environmental Protection Agency (the Agency) under Section 4(r) of the Act. The citation issued on July 5, 1990, alleges that Respondent is in violation of Section 21 (q)(1) and (q)(3) of the Act for causing or allowing the open dumping of wastes that resulted in litter and open burning.

A petition for review was filed with the Board on July 31, 1990. On May 17, 1991, hearing was held in Belleville, St. Clair County, Illinois. On August 22, 1991, the Board issued an Order finding that the cited violations had occurred and imposed a penalty of one thousand dollars (\$1,000). The Board also directed the Clerk of the Board and the County to file affidavits declaring their hearing costs.

On September 17, 1991, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were two hundred forty-six dollars and six cents (\$246.06). The County did not file an affidavit. Therefore, the total hearing costs to be assessed against Respondent are two hundred forty-six dollars and six cents (\$246.06).

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, Timothy Doctor 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 two hundred forty-six dollars and six cents

(\$246.06) which is to be sent by First Class mail to:

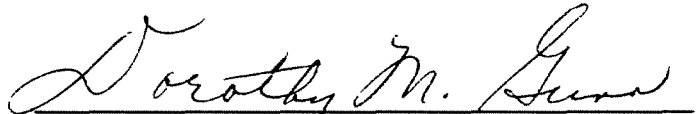
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

2. This docket is hereby closed.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1990 supp., 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Opinion and Order was adopted on the 24th day of October, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board