

ILLINOIS POLLUTION CONTROL BOARD
March 14, 1991

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) AC 89-156
) Docket B
) (Administrative Citation)
JOHN A. GORDON,) (IEPA No. 9758-AC)
)
Respondent.)

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

This matter comes to the Board on an Administrative Citation filed by the Illinois Environmental Protection Agency ("Agency") pursuant to the Illinois Environmental Protection Act (hereinafter "the Act") (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et. seq.). The citation was filed July 13, 1989, and alleges that Respondent, John A. Gordon, the owner and operator of a facility located in Jackson County, Illinois is in violation of Section 21(q)(1) and 21(q)(3) of the Act for causing or allowing open dumping of wastes that result in litter and result in open burning.

A Petition for Review was filed with the Board on July 13, 1989. Hearing was held November 3, 1989, at the Community Center in Carbondale, Illinois. On January 24, 1991 the Board issued an Order finding that the cited violations had occurred and imposed a penalty of \$1000.00. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

On February 25, 1991, the Clerk of the Pollution Control Board filed an affidavit stating that the Board's hearing costs were \$1,134.40. On February 22, 1991 the Agency filed an affidavit stating its hearing costs were \$153.80. The total hearing costs to be assessed against Respondent is \$1,288.20.

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, John A. Gordon 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 and Agency, the amount of \$1,288.20 which is to be sent to:

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

This docket is hereby closed.

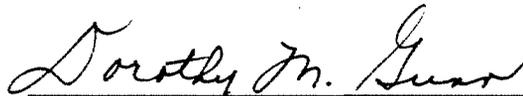
Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041, provides for appeal of Final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

Board member J. Theodore Meyer dissented.

Board member Jacob Dumelle abstained.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 14th day of March, 1991, by a vote of 5-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board