

ILLINOIS POLLUTION CONTROL BOARD
February 28, 1991

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.)
JAMES GILMER,) AC 89-289 (Docket B)
) (IEPA Case No. 10066-AC)
)
Respondent.)

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 89-290 (Docket B)
) (IEPA Case No. 10067-AC)
ARCHER-DANIELS-MIDLAND,) (Administrative Citation)
)
Respondent.)

OPINION AND ORDER OF THE BOARD BY (J.C. Marlin):

This matter comes before the Board from the filing of two Administrative Citations with the Board on December 13, 1989 by the Illinois Environmental Protection Agency pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act). The Agency alleges in AC 89-289 that on October 16, 1989, James Gilmer, present operator of a facility located in the County of Douglas, violated Section 21(q)(1) of the Act. In AC 89-290 the Agency alleges that Archer-Daniels-Midland violated Section 21(q)(1) of the Act at the same facility. The filings were consolidated by Board Order of March 22, 1990. The statutory penalty established for each violation is \$500.00 plus any hearing cost incurred by the Board or the Agency.

A hearing was held in this matter on July 31, 1990. The Respondents later withdrew their Petition for Review by motion dated January 4, 1991. On January 10, 1991 the Board issued an Order finding that the cited violations had occurred and imposed a penalty of \$500.00 each. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

On January 29, 1991, the Clerk of the Board filed an affidavit stating that its hearing costs were \$1,129.40. On February 1, 1991 the Agency filed an affidavit stating its

hearing costs were \$31.20. The total hearing costs to be assessed against Respondents are \$1,160.60.

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, James Gilmer and Archer-Daniels-Midland 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 \$1,160.60 which is to be sent to:

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

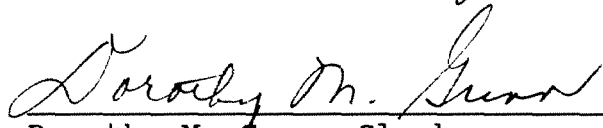
This docket is hereby closed.

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.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 28th day of February, 1991, by a vote of 5-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board