

ILLINOIS POLLUTION CONTROL BOARD  
February 28, 1991

|   |   |                           |
|---|---|---------------------------|
| ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, | ) |                           |
|   | ) |                           |
| Complainant,                              | ) |                           |
|   | ) |                           |
| v.  | ) | AC 90-42                  |
|   | ) | Docket B                  |
|   | ) | (Administrative Citation) |
| ROBERT WHEELER, d/b/a Wheeler Trucking,   | ) | (IEPA No. 233-90-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 June 7, 1990, and alleges that Respondent, Robert Wheeler, the operator of a facility located in Fulton County, Illinois is in violation of Section 21(q)(1) of the Act for causing or allowing open dumping of wastes that result in litter.

A Petition for Review was filed with the Board on July, 11, 1990. Hearing was held September 14, 1990, at the Fulton County Courthouse in Lewistown, Illinois. On January 10, 1991 the Board issued an Order finding that the cited violation had occurred and imposed a penalty of \$500.00. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

On January 22, 1991, the Clerk of the Pollution Control Board filed an affidavit stating that the Board's hearing costs were \$1,100.40. On January 25, 1991 the Agency filed an affidavit stating its hearing costs were \$28.80. The total hearing costs to be assessed against Respondent is \$1,129.20.

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, Robert Wheeler 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 \$1,129.20 which is to be sent to:

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

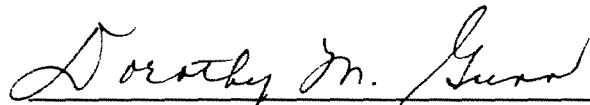
This docket is hereby closed.

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.

IT IS SO ORDERED.

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 28<sup>th</sup> day of February, 1991, by a vote of 5-1.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board