

ILLINOIS POLLUTION CONTROL BOARD  
June 21, 1990

ST. CLAIR COUNTY,	)	
	)	
Complainant,	)	
	)	AC 89-109
v.	)	Docket B
	)	(Administrative Citation)
GUY MARLIN,	)	County No. 89-9 SC
(Fairview Heights)	)	
	)	
Respondent.	)	

MR. DENNIS HATCH, ASSISTANT STATE'S ATTORNEY, APPEARED ON BEHALF OF PETITIONER ST. CLAIR COUNTY.

MR. JAMES J. GOMRIC APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon an Administrative Citation filed pursuant to the authority vested in the Illinois Environmental Protection Agency and delegated to St. Clair County pursuant to Section 4(r) of the Illinois Environmental Protection Act ("Act") (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1001 et seq.). The citation was filed June 6, 1989 and alleged that Respondent, Guy Marlin, the owner/operator of a facility located in St. Clair County, Illinois was in violation of Sections 21(q) (1) and (q)(3) of the Environmental Protection Act (Act) concerning open burning and dumping. Ill. Rev. Stat. ch. 111 1/2, pars. 1021(q)(1), 1021(q)(3). The civil penalties established for each of these violations is \$500.00 plus any hearing costs incurred by the Board or the County.

A Petition for Review was filed with the Board on July 3, 1989. Hearing was held September 1, 1989 at the St. Clair County Courthouse, Belleville, Illinois. On April 26, 1990, the Board issued an Opinion and Order finding that the cited violations had occurred and imposing a penalty of \$1,000.00. The Board also directed the Clerk of the Board and the County to file affidavits declaring their hearing costs within 30 days.

The County has failed to file an affidavit of hearing costs within the time ordered by the Board. The Clerk of the Board filed an affidavit stating that the hearing costs incurred by the Board were \$974.62. The total hearing costs to be assessed against the Respondent are \$974.62.

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, Guy Marlin 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, the amount of \$974.62, which is to be sent to:

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

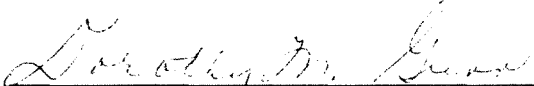
This docket is hereby closed.

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 21<sup>st</sup> day of June, 1989, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk,  
Illinois Pollution Control Board