

ILLINOIS POLLUTION CONTROL BOARD  
March 22, 1990

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC88-93 Docket B  
 ) (IEPA NO. 9264-AC)  
CITY OF HERRIN, ) (Administrative Citation)  
 )  
 )  
Respondent. )

MR. WILLIAM SELTZER APPEARED ON BEHALF OF COMPLAINANT.

MR. KENNETH BLEYER APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board from the filing of an Administrative Citation by the Illinois Environmental Protection Agency ("Agency"), pursuant to Section 31.1 of the Illinois Environmental Protection Act ("Act"). The Citations alleged that the City of Herrin violated sections 21(p)(5), (7), (9) and (12) of the Act. The civil penalties established for each of these violations is \$500 plus any hearing costs incurred by the Board or the Agency.

On a petition for review filed by the Respondent, hearing was held in this matter on April 24, 1989. Subsequent to several motions to extend briefing deadlines, on December 6, 1989 the Board issued its Opinion and Order finding that violations of Sections 21(p)(5), (9) and (12) of the Act had occurred and imposed a penalty of \$1,500. The Board also directed the Clerk of the Board and the Agency to file affidavits declaring their hearing costs.

On December 21, 1989, the Agency filed an affidavit stating that its hearing costs were \$159.04. The Clerk of the Board filed an affidavit on January 4, 1990 stating that the hearing costs incurred by the Board were \$1,174.42. The total hearing costs to be assessed against the Respondent are \$1,333.46.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is hereby ordered that within thirty days of the date of this Order, the City of Herrin 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 \$1,333.46 which is to be sent to:

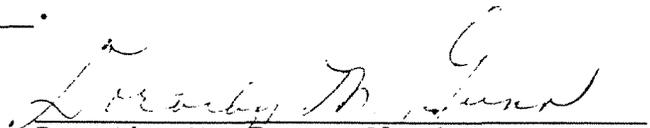
Illinois Environmental Protection Agency  
Fiscal Service Division  
2200 Churchill Road  
Springfield, Illinois 62706

This docket is hereby closed.

Section 41 of the Environmental Protection Act, Ill.Rev.Stat., ch. 111 $\frac{1}{2}$ , 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, hereby certify that the above Opinion and Order was adopted on the 33<sup>rd</sup> day of March, 1990, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board