

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1993

SANGAMON COUNTY,)
)
 Complainant,)
)
 v.) AC 92-37 (Docket B)
) (SCDPH 92-AC-12)
) (Administrative Citation)
 GERALD B. MILLER)
)
 Respondent.)

ORDER OF THE BOARD (by B. Forcade):

On February 22, 1993, the Board received a letter from Robert L. Smith, Assistant State's Attorney for Sangamon County. Mr. Smith seeks clarification from the Board as to the designation of the payee of the hearing costs. The Board in its February 4, 1993 order ordered that all hearing costs be paid to the State of Illinois for deposit to the General Revenue Fund.

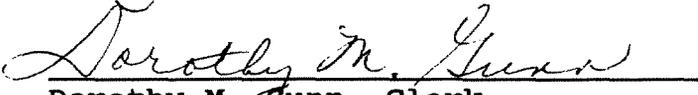
The Board will construe this letter as a motion for reconsideration. Sangamon is instructed to brief the issue of the proper designated payee for hearing costs. As the authority for Sangamon County to bring this action arises from a delegation agreement with the Environmental Protection Agency (Agency) pursuant to 415 ILCS 5/4(r) (1992)¹, the Board also requests the Agency to submit briefs on this issue. Briefs are to be filed with the Board on or before April 2, 1993.

The Board refers Sangamon County and the Agency to County of DuPage v. E & E Hauling, Inc. (February 8, 1990), AC 88-76, AC 88-77 and In the Matter of: Bi-State Disposal, Inc. (February 23, 1989), AC 88-33 for prior Board orders related to this issue.

If payment has not already been made, the Board hereby stays the payment of the hearing costs by Mr. Miller until after resolution of this matter.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above order was adopted on the 11th day of March, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ Previously codified at Ill. Rev. Stat. ch. 111 1/2 par 1004.

0140-0095