

ILLINOIS POLLUTION CONTROL BOARD
December 3, 1992

SANGAMON COUNTY,)
)
)
 Complainant,)
)
 v.) AC 92-48 (Docket B)
) (SCDPH-92-AC13)
) (Administrative Citation)
 DELMAR DONLEY & DON CHEM,)
 INC.,)
)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by G. T. Girard):

On June 10, 1992, the Board received an administrative citation (citation) filed by Sangamon County pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1031.1) and delegated to the county pursuant to Section 4(r) of the Act. The citation alleges that on April 24, 1992, an on-site inspection of respondent's property disclosed violations of Section 21(p)(1) and 21(p)(3) of the Act. On June 5, 1992, the Board received a request to review the issuance of the citation.

Hearing on this matter was held September 8, 1992, in Springfield, Sangamon County, Illinois. At hearing, the parties indicated that they had reached a settlement agreement and that the parties would be filing the agreement with the Board. On October 5, 1992, the Board received a "Stipulation Agreement" signed by all parties. In addition, on October 5, 1992, the Board received a motion to accept the stipulation agreement as a final disposition in this matter. On October 16, 1992, the Board issued an Order accepting the stipulation and imposing a penalty of five hundred dollars (\$500.00). The Board also directed the Clerk of the Board and the County to file affidavits declaring their hearing costs.

On October 22, 1992, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were five hundred seventy-four dollars (\$574.00). The county filed an affidavit on October 28, 1992, stating that the county's costs were one hundred and ten dollars (\$110.00). Therefore, the total hearing costs to be assessed against Respondent are six hundred eighty-four dollars (\$684.00).

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

0137-0601

ORDER

1. It is hereby ordered that within 30 days of the date of this Order, Delmar Donley shall, by certified check or money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pay as compensation for hearing costs incurred by the Board, the amount of five hundred seventy-four dollars (\$574.00) which is to be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

2. It is hereby ordered that within 30 days of the date of this Order, Delmar Donley shall, by certified check or money order payable to the County of Sangamon pay as compensation for hearing costs incurred by the county, the amount of one hundred ten dollars (\$110.00) which is to be sent by First Class mail to:

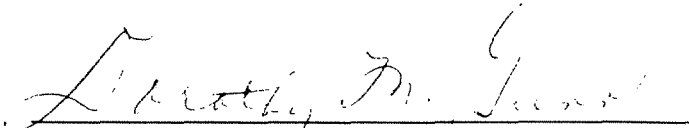
James D. Stone, Director
Public Health
200 S. Ninth St. Room 301
Springfield, IL 62701

3. This docket is hereby closed.

Section 41 of the Environmental Protection Act (Ill.Rev.Stat. 1991, ch. 111 1/2, par. 1041) provides for the appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Castenada v. Illinois Human Rights Commission (1989), 132 Ill.2d 304, 547 N.E.2d 437.)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Opinion and Order was adopted on the 2nd day of December, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0137-0602