

ILLINOIS POLLUTION CONTROL BOARD  
June 20, 1991

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 90-59 (Docket B)  
 ) (Administrative Citation)  
SOUTHERN PACIFIC RAILROAD, )  
 )  
Respondent. )

OPINION AND ORDER OF THE BOARD (by R. C. Flemal):

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 issued July 9, 1990 and alleges that Respondent, Southern Pacific Railroad, is in violation of Section 21(q)(1) of the Act for causing or allowing open dumping of wastes that resulted in litter.

A Petition for Review was filed with the Board on July 16, 1990. Hearing was held October 23, 1990 in Springfield, Illinois. On March 28, 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 February 25, 1991, the Clerk of the Pollution Control Board filed an affidavit stating that the Board's hearing costs were \$442.79. On May 13, 1991, the Agency filed an affidavit stating it had no hearing costs. The total hearing costs to be assessed against Respondent are \$442.79.

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

ORDER

1. It is hereby ordered that within thirty days of the date of this Order, Southern Pacific Railroad 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 \$442.79 which is to be sent to:


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

2. 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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20<sup>th</sup> day of June, 1991, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board