

ILLINOIS POLLUTION CONTROL BOARD
July 3, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 89-131 (Docket B)
)	(Administrative Citation)
ESG WATTS, INC.,)	(IEPA No. 9711-AC)
)	
Respondent.)	

WILLIAM SELTZER APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY;

THOMAS J. IMMEL, IMMEL, ZELLE, OGREN, MCCLAIN, GERMERAAD & COSTELLO, APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon the filing of an administrative citation pursuant to section 31.1 of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1031.1). On June 7, 1990, the Board entered an opinion and order finding that respondent ESG Watts, Inc. (ESG) had violated section 21(p)(5) of the Act, rejecting ESG's claim of uncontrollable circumstances and imposing a \$500 penalty. The Board also directed the Agency and the Clerk of the Board to file appropriate affidavits of hearing costs.

On June 14, 1990, the Clerk filed an affidavit of costs stating that hearing costs totalling \$1,539.14 had been incurred. On June 18, 1990, the Agency filed its affidavit of costs stating that it had incurred no such costs in relation to this proceeding. Therefore, the total hearing costs assessed against ESG in this matter are \$1,539.14.

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, ESG Watts Inc. shall, by certified check or money order

payable to the State of Illinois and designated for deposit in the General Revenue Fund, pay as compensation for hearing costs incurred by the Board, the amount of \$1,539.14, which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
220 Churchill Road
Springfield, Il. 62706

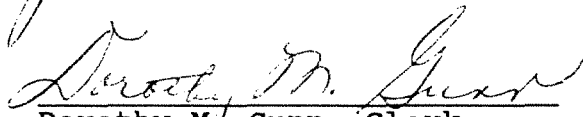
This docket is hereby closed.

Section 41 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1041) provides for the 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.

J. Theodore Meyer dissents.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 3rd day of July, 1990, by a vote of 6-1.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board