

ILLINOIS POLLUTION CONTROL BOARD
June 1, 1995

SANGAMON COUNTY,)
)
 Complainant,)
) AC 94-76
 v.) (SCDPH Case No. 94-AC-22)
) (Administrative Citation)
 SLC OF SPRINGFIELD, INC.,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Yi):

This matter is before the Board pursuant to a motion to modify the Board's opinion and order of April 20, 1995 filed by Sangamon County (County) on May 3, 1995. On April 20, 1995 the Board entered an opinion and order finding SLC of Springfield (SLC) in violation of Section 21(p)(1) of the Environmental Protection Act and assessed a five hundred dollar (\$500.00) civil penalty pursuant to Section 42(b) of the Act. (415 ILCS 5/21(p)(1) and 5/42(b) (1993).) However, the Board's order directed SLC to pay the penalty to the Illinois Environmental Protection Agency (Agency). The County in its motion to modify requests the Board to modify the order to direct fifty percent (50%) of the penalty to be paid to the Sangamon County Department of Public Health. The County bases this request pursuant to Section 42(b)(4) of the Act which states that "[s]uch penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government." (415 ILCS 5/42(b)(4) (1993).)

The Board grants the County's request to modify the order, and will vacate the Board's April 20, 1995 order. However, in reviewing the Board's information concerning administrative citations and the assessment of the penalties when a unit of local government issues the administrative citation, the Board's practice at the request of the Agency, is to direct that the entire penalty is to be sent to the unit of local government which in turn sends 50% to the Agency.

Therefore, for simplicity, the Board vacates the order portion of the opinion and order of April 20, 1995 and replaces it with today's order.

ORDER

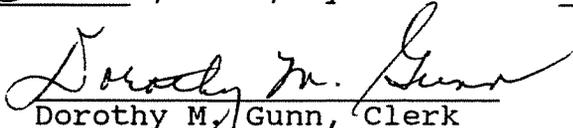
1. Respondent, SLC of Springfield, Inc., is hereby found to have violated 415 ILCS 5/21(p)(1) (1992).
2. Within 30 days of this order, the Respondents shall pay the sum of five hundred dollars (\$500.00) by check or money order to the Sangamon County Department of Public Health. The payment shall be mailed to:

James D. Stone, M.A.
Director of Public Health
Sangamon County Department of Public Health
200 South Ninth Street, Room 301
Springfield, Il. 62701
3. SLC of Springfield shall write the case name and number, and its social security number or federal Employer Identification Number, on the certified check or money order.
4. Penalties unpaid after the due date will accrue interest pursuant to Section 42(g) of the Environmental Protection Act.
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for appeal of final orders of the Board within 35 days. The rules of the Supreme Court of Illinois establish filing requirements. See also, 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1st day of June, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board