

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 94-21
) (IEPA Docket No. 195-94-AC)
) (Administrative Citation)
DENNIS W. GAEBEL,)
)
Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on an agreed order, filed by complainant the Illinois Environmental Protection Agency (Agency) and respondent Dennis W. Gaebel on June 29, 1994. The parties state that they have agreed to the entry of an order finding Gaebel in violation of Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (1992)), and imposing a civil penalty of \$500.00. The parties also state that Gaebel shall withdraw his petition for review. The Board construes the agreed order as Gaebel's request to withdraw his petition.

Pursuant to the agreed order filed by the parties, the Board finds that on February 23, 1994, Gaebel allowed open dumping at the facility known to the Agency as Fowler/Gaebel, Site Code No. 008060019, located in Adams County, in violation of Section 21(p)(1) of the Act. Since there is one violation, the total penalty to be imposed is \$500.00.

1. It is hereby ordered that Dennis W. Gaebel shall, on or before May 20, 1996, pay a penalty of \$500.00 by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The penalty shall be sent to:

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

2. Dennis W. Gaebel shall write the case name and number, and his social security number, on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Environmental Protection Act.

4. 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 the appeal of final Board orders within 35 days of the date of service of this order. 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 21st day of July, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board