

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1993

ST. CLAIR COUNTY,)	
)	
Complainant,)	
)	
v.)	AC 92-33
)	Docket A & B
JAMES ALEXANDER, PRESIDENT)	(Administrative Citation)
OF ALEXANDER DEVELOPMENT CO.,)	(SCCC 92-5 SC)
INC.,)	
)	
Respondent.)	

MARC W. PARKER APPEARED ON BEHALF OF COMPLAINANT.

JAMES ALEXANDER APPEARED PRO SE.

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter is before the Board on respondent James Alexander's (Alexander) May 20, 1992 petition for review pursuant to Section 31.1(d)(2) of the Environmental Protection Act (Act) (415 ILCS 5/31.1(d)(2) (1992).) Alexander seeks review of the administrative citation issued by complainant St. Clair County (St. Clair) finding two violations of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1992)) and a single violation of Section and 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (1992)). A hearing was held July 31, 1992 in Belleville, Illinois.

FACTS

Alexander owns property in St. Clair County known as the Belleville/Alexander site. On April 30, 1992, St Clair issued an administrative citation against Alexander finding that on March 5, 1992 an on-site inspection revealed a open dumping resulting in litter and a March 25, 1992 inspection revealed open dumping resulting in litter and open burning. Pursuant to Section 42(b)(4) of the Act, St. Clair imposed a \$1,500 civil penalty. (415 ILCS 5/42(b)(4) (1992).) Alexander filed a petition for review and a hearing was held. At hearing, the parties entered into a stipulation in which Alexander admitted to the March 5, 1992 litter violation and agreed to pay a \$500 civil penalty and costs and St. Clair agreed to dismiss the remaining two March 25, 1992 violations.

Pursuant to the stipulation, Alexander admits to violating Section 21(p)(1) of the Act and agrees to pay the \$500 penalty in three monthly installments beginning August 10, 1992 and all hearing costs. Today's action (Docket A) constitutes the Board's final action on the matter of the civil penalty.

0139-0649

Alexander is also required to pay hearing costs incurred by St. Clair and the Board. The Clerk of the Board and St. Clair are each directed to file statements of costs, supported by affidavit, with the Board and with service upon Alexander. The matter of costs will be addressed by the Board in a separate order (Docket B).

This constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

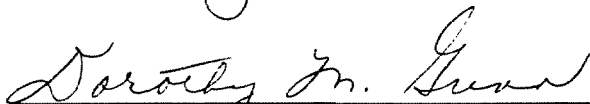
1. The Board finds that respondent has caused open dumping resulting in litter in violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1992)).
2. Unless the penalty has already been paid, within 45 days of the date of this order respondent shall, by certified check or money order, pay a civil penalty of five hundred dollars (\$500) payable to the Landfill Citation Fund at the following address:

Paul Haas
County Collector
#10 Public Square
Belleville, IL 62220
3. Docket A is hereby closed.
4. Within 30 days of the date of this order, St. Clair and the Clerk of the Board shall file statements of hearing costs, supported by affidavit and with service on James Alexander. Such filings shall be entered in Docket B of this matter.
5. Respondent is given leave to file a reply/objection to the filings ordered in paragraph 4 of this order within 45 days of the date of this order.

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. The Rules of the Supreme Court of Illinois establish filing requirements. (But see also, 35 Ill. Adm. Code 101.246, Motions for Reconsideration, and Casteneda v. Illinois Human Rights Commission (1989), 132 Ill. 2d 304, 547 N.E.2d 437.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 25th day of February, 1993 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

0139-0651