

ILLINOIS POLLUTION CONTROL BOARD  
May 9, 1991

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 91-13  
 ) (Case No. None)  
 ) (Administrative Citation)  
 EVERETT ALLEN d/b/a ALLEN WASTE )  
 MANAGEMENT, )  
 )  
 Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a March 27, 1991 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Jackson. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Everett Allen on March 20, 1991. Jackson County alleges that on February 21, 1991, Everett Allen, present owner and/or operator of a facility located in Jackson County and commonly known to the Agency as DeSota/Allen No. 1, violated Sections 21(p)(5), 21(p)(6) and 21(p)(2) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Everett Allen has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Everett Allen has violated each and every provision alleged in the Administrative Citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Everett Allen shall, by certified check or money order payable to the Jackson County Treasurer, pay a penalty in the amount of \$1,500.00, which is to be sent to:

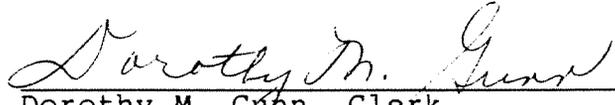
Shirley Booker  
Jackson County Treasurer  
Jackson County Courthouse  
Murphysboro, Illinois 62966

2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification 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 Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$ , 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 Order was adopted on the 9<sup>th</sup> day of May, 1991, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board