

The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation, except that the penalty increases to \$3,000 for each second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5) (2006); 35 Ill. Adm. Code 108.500(a)(2). Because there are two violations of Section 21(p) here and nothing in this record suggests that these are second or subsequent adjudicated violations for Greene, the total civil penalty is \$3,000. The cover letter to the County's administrative citation represents that Greene paid the \$3,000 civil penalty on June 3, 2008. Accordingly, as provided in the order below, Greene is not required to pay the \$3,000 civil penalty if it has already been paid. *See IEPA v. Harold Graves*, AC 06-23 (Sept. 6, 2007) (after representation that penalty had been paid, Board ordered respondent to pay the civil penalty "[u]nless the penalty has already been paid."); *IEPA v. Olen G. Parkhill*, AC 00-16 (Feb. 3, 2000) (same). Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

1. The Board finds that Greene violated Sections 21(p)(1) and (3) of the Act (415 ILCS 5/21(p)(1), (3) (2006)).
2. Unless the civil penalty has already been paid, Greene must pay a civil penalty of \$3,000 no later than August 20, 2008, which is the 30th day after the date of this order.
 - a. Greene must pay the civil penalty by certified check or money order, made payable to the County of Vermilion, Illinois. The case number, case name, and Greene's social security number or federal employer identification number must be included on the certified check or money order.
 - b. Greene must send the certified check or money order and the remittance form to:

Vermilion County Health Department
200 South College Street
Danville, Illinois 61832

3. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).
4. Payment of the civil penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2006); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 21, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board