

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1996

COUNTY OF VERMILION,)	
)	
Complainant,)	
)	
v.)	AC 97-31
)	(County No. 96-02)
EMERY JOHNSON,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon the October 17, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the County of Vermilion (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Emery Johnson on October 8, 1996. The County alleges that on August 23, 1996 Emery Johnson, present owner and/or operator of a facility located in Vermilion County and commonly known to the County as Emery Johnson Property, violated Section 21(p)(1) of the Act.¹ The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act.

Emery Johnson 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)(1) of the Act. Therefore, the Board finds Emery Johnson has violated the provision alleged in the administrative citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, Emery Johnson shall, by certified check or money order payable to the County of Vermilion, pay a penalty in the amount of \$500, which is to be sent to:

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

¹ Only violations of Sections 21(o) and (p) may properly be alleged in an administrative citation. While page 2 of the citation only alleges violation of section 21(a), the inspector's checklist attached to it alleges a Section 21(p)(1) violation.

2. Respondent shall include the remittance form and write the case name and number and its 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 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 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court 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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board