

ILLINOIS POLLUTION CONTROL BOARD
November 21, 1996

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 97-21
)	(IEPA No. 386-96-AC)
v.)	(Administrative Citation)
)	
JOHN SEXTON SAND & GRAVEL)	
CORPORATION,)	
)	
Respondent.)	

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

This matter comes before the Board upon the September 18, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). On October 18, 1996 John Sexton Sand & Gravel Corporation (Sexton) filed its petition for review of the administrative citation. The parties, on October 25, 1996, filed a joint stipulation of settlement and withdrawal of respondent's petition for review.

The parties state that they have reached a joint stipulation and settlement agreement wherein Sexton admitted to violating Section 21(o)(12) of the Act. Sexton agrees to pay the statutory penalty of \$500 in full within 30 days of the date that the Board issues its order adopting the terms and conditions of the settlement agreement.

The Board hereby accepts the stipulated settlement agreement proposed by the parties. The attached order, therefore, finds Sexton in violation of Section 21(o)(12) of the Act. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

ORDER

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

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

2. Respondents shall include the remittance form and write the case name and number and their social security or federal employer identification numbers 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