

ILLINOIS POLLUTION CONTROL BOARD  
October 3, 1996

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 95-26
	)	(Administrative Citation)
	)	(IEPA No. 181-95-AC)
ORVILLE BARTELS,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

On September 26, 1996 the Illinois Environmental Protection Agency (Agency) filed a Motion to Dismiss respondent Frank Blair. The Board grants the Agency's motion to dismiss as to respondent Frank Blair.

On October 2, 1996 the Agency and respondent Orville Bartels (Bartels) filed a joint stipulation of settlement and motion to dismiss the petition for review. The parties state that they have reached a joint stipulation and settlement agreement wherein Bartels admitted to one count of causing or allowing litter in violation of Section 21(p)(1) of the Environmental Protection Act (Act). Bartels agrees to pay the statutory penalty of \$500 in full on or before September 20, 1996, and requests that the Board dismiss his petition for review in this case. The proposed settlement agreement does not preclude enforcement against respondent for any future violations of local, state, federal or common law, including but not limited to violations of the same type and nature as those enumerated in the Agency's open dump inspection checklist dated February 6, 1995.

The Board hereby accepts the stipulated settlement agreement proposed by the parties. The attached order therefore finds Bartels in violation of Section 21(p)(1) of the Act, assesses the statutory penalty of \$500, and directs Bartels to pay such penalty on or before, September 20, 1996.

ORDER

1. It is hereby ordered that, unless the penalty has already been paid by September 20, 1996, respondent shall, by certified check or money order payable to the Illinois Environmental Protection Fund, pay a penalty in the amount of \$500 which shall be sent to:

Illinois Environmental Protection Agency  
Attn: Fiscal Services  
2200 Churchill Road, P.O. Box 19276  
Springfield, Illinois 62974-9276

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 Illinois Environmental Protection Act.

4. Payment of this penalty does not prevent future prosecution if violations continue.

This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order to the Appellate Court. 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