

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-33
)	(IEPA No. 111-01-AC)
DONALD BAUSER,)	(Administrative Citation)
)	
Respondent.)	

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

On March 19, 2001, the Illinois Environmental Protection Agency filed an administrative citation with the Board against Donald Bauser (Bauser), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that Bauser caused or allowed open dumping resulting in litter and open burning at the facility located along Myrtle Street, north of Jacksonville, Morgan County, Illinois, in violation of Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (1998)). The statutory penalty established for each violation is \$1,500 pursuant to Section 42(b)(4-5) of the Act. 415 ILCS 5/42(b)(4-5) (1998).

The record indicates that Bauser was served with the administrative citation on March 22, 2001. Bauser has not filed a petition for review with the Clerk of the Board within 35 days of the date of service (*i.e.*, on or before April 26, 2001) as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that Bauser has violated the provisions of the Act alleged in the administrative citation, which is attached hereto.

It is hereby ordered that:

1. Bauser must pay a civil penalty in the amount of \$3,000 within 30 days of the date of this order, that is, on or before June 2, 2001.
2. Payment must be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Bauser's social security number or federal employer identification number should also be included on the check or money order.
3. The check or money order and the remittance form must be sent to:

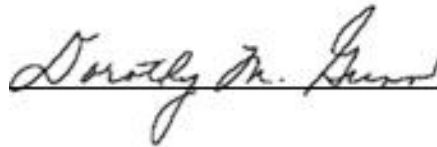
Illinois Environmental Protection Agency
Attention: Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of May 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board