

ILLINOIS POLLUTION CONTROL BOARD
May 17, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-34
)	(IEPA No. 112-01-AC)
WILLIAM HARTMANN and BILLIE)	(Administrative Citation)
HARTMANN,)	
)	
Respondents.)	

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

On March 22, 2001, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board against William Hartmann and Billie Hartmann, pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that respondents caused or allowed the deposition of general construction, demolition, or clean construction debris and caused or allowed open dumping resulting in litter and open burning. These activities occurred at the facility located at the intersection of Shaw Road and Detour Road, northeast of Woodburn, Macoupin County, Illinois, in violation of Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (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 Billie Hartmann was served with the administrative citation on March 21, 2001, and William Hartmann was served on March 22, 2001. Respondents have 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 25, 2001, and April 26, 2001, respectively) as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that respondents have violated the provisions of the Act alleged in the administrative citation, which is attached hereto.

It is hereby ordered that:

1. Respondents must pay a civil penalty in the amount of \$4,500 within 30 days of the date of this order, that is, on or before June 16, 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 respondents' 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:

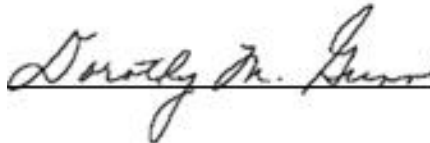
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 17th day of May 2001 by a vote of 7-0.

A handwritten signature in dark ink, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board