

ILLINOIS POLLUTION CONTROL BOARD
September 21, 1995

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 95-35
)	(IEPA No. 312-95-AC)
)	(Administrative Citation)
THE ROCK ISLAND BANK,)	
as Trustee of Land)	
Trust No. 2113,)	
)	
Respondent.)	

ORDER OF THE BOARD (by R.C. Flemal):

On September 13, 1995 the parties filed a Joint Stipulation of Settlement and Dismissal of Petition of Review of the administrative citation in this matter. A petition for review was filed with the Board on June 22, 1995.

On May 22, 1995, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). On a March 21, 1995 Agency inspector Robert Wagner conducted an inspection of the open dump, known as the East Moline/Greenspace Recycling. Based upon this inspection, a citation was issued by the Agency which alleges three violations of the Act. The citation alleges that respondent has caused or allowed litter (415 ILCS 5/21(p)(1) (1994)), open burning (415 ILCS 5/21(p)(3) (1994)) and the deposition of waste in standing or flowing water (415 ILCS 5/21(p)(4) (1994)) in violation of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act. Therefore respondent is statutorily subject to a total penalty of \$1500.00 for three violations.

Among other things the parties' joint stipulation of settlement states that the Agency dismisses the Section 21(p)(4) violation. Without admitting liability, which it denies, respondent agrees to pay the penalty for the two remaining violations, totalling \$1000.00. The Board finds the settlement agreement acceptable. The stipulation is incorporated by reference as though fully set forth herein. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

Respondent seeks to dismiss its petition for review and agrees to pay the civil penalty. The Board hereby grants respondent's dismissal of petition for review.

- 1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order the respondent shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1000.00 which is to be sent to:

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

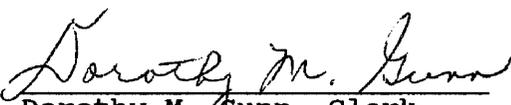
- 2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number of the certified check or money order.
- 3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
- 4. Payment of this penalty does not prevent future prosecution if the 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 appeal of final orders of the Board 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, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of September 1995, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board