

ILLINOIS POLLUTION CONTROL BOARD
December 20, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-19
)	(IEPA No. 522-00-AC)
WILLIAM BASIL FLYNN and OLEN G.)	(Administrative Citation)
PARKHILL, JR. (MAHOMET/PARKHILL)	
CNS #2),)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by N. J. Melas):

On December 4, 2000, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board naming William Basil Flynn and Olen G. Parkhill, Jr. as respondents. The administrative citation was filed in response to observed violations of the Environmental Protection Act (Act) that occurred during an Agency inspection on October 29, 2000, at the Mahomet/Parkhill CNS #2 facility in Champaign County.

The administrative citation alleges that respondents owned and/or operated the Mahomet/Parkhill CNS #2 facility as an open dump and that the open dump was operating without an Agency-issued operating permit. It alleges that respondents caused or allowed open dumping of waste in a manner resulting in open burning in violation of Section 21(p)(3) of the Act. 415 ILCS 5/21(p)(3) (2000).

On December 18, 2000, Parkhill filed a petition for review with the Board, and on December 21, 2000, the Board accepted this matter for hearing with respect to Parkhill. On January 8, 2001, Flynn filed a petition for review with the Board and on January 18, 2001, the Board accepted this matter for hearing with respect to Flynn.

On December 13, 2001, the parties filed a "Stipulation of Settlement and Dismissal of Respondents' Petition for Administrative Review" (stipulation). In the stipulation, respondents admit the alleged violation of Section 21(p)(3) of the Act and agree to pay a civil penalty of \$1,500. The Board accepts the stipulation filed by the parties in this matter.

Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (2000)) and Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2000)) authorize the Board to impose a civil penalty for a violation of Section 21(p) of the Act (415 ILCS 5/21(p) (2000)) as alleged in an administrative citation. This opinion constitutes the Board's findings of fact and conclusion of law in this matter.

ORDER

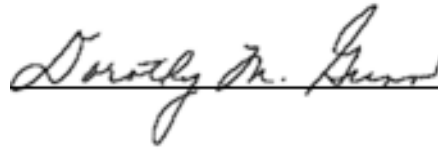
1. The Board finds that respondents caused or allowed litter in violation of 415 ILCS 5/21(p)(3) (2000).
2. Respondents shall pay the sum of \$1,500 on or before December 31, 2001. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number and case name shall be included on the check (or money order). In addition, the social security numbers for William Basil Flynn and Olen G. Parkhill, Jr. shall also be included on the check (or money order). The check (or money order) should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check (or money order) shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on December 20, 2001, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board