

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

MONTGOMERY COUNTY, ILLINOIS,)
)
 Complainant,)
) AC 95-43
 v.) (Administrative Citation)
)
 CLIFFORD CRISPENS AND)
 JACQUELINE R. CRISPENS,)

Respondents.

KATHRYN DOBRINIC, STATE'S ATTORNEY, APPEARED ON BEHALF OF MONTGOMERY COUNTY;

CLIFFORD CRISPENS APPEARED *PRO SE*.

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

On February 1, 1996, the Board issued an interim opinion and order in this matter. The interim opinion and order dismissed the matter as to respondent, Line Pilot Bungee, Inc., and found that respondents, Clifford Crispens and Jacqueline R. Crispens, violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act (Act)(415 ILCS 5/21(p)(1) and 21(p)(3) (1994) on April 10, 1995. Having found a violation of the Act, the Board must assess the appropriate penalty.

Penalties in administrative citation actions are prescribed by Section 42(b) of the Act, which states:

In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) or (p) of Section 21 of the Act shall pay a civil penalty of \$500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund to be used in accordance with the provisions of the Environmental Protection Trust Fund Act except if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(415 ILCS 5/42(b)(4) (1994).

The Board has found two such violations in this matter; therefore, the total penalty to be imposed against respondents is one thousand dollars (\$1,000.00) plus hearing costs. The

February 1, 1996 interim opinion and order requested affidavits from Montgomery County, Illinois and the Clerk of the Board to determine hearing costs.

On February 16, 1996, Montgomery County filed an affidavit stating that its hearing costs totaled seventy-six dollars (\$76.00). The county's costs are for service of the citation and for the hearing transcript. On February 15, 1996, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were three hundred, seventy-five dollars (\$375.00). The Board's costs cover the court reporter and transcript costs. Respondents did not file an objection to the affidavits of costs. Therefore the total hearing cost to be assessed against respondents is four hundred, fifty-one dollars (\$451.00).

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondents, Clifford Crispens and Jacqueline R. Crispens, are hereby found to have violated 415 ILCS 5/21(p)(1) and 21(p)(3) on April 10, 1995.
2. Within 45 days of this order respondents shall, by certified check or money order payable to Montgomery County Treasurer, pay a civil penalty in the amount of one thousand dollars (\$1,000.00), and as compensation for hearing costs incurred by the County, pay the amount of seventy-six dollars (\$76.00), for a total of one thousand, seventy-six dollars (\$1,076.00) to:

Ms. Amy Stewart, Director
Montgomery County Health Department
South Route 185
Hillsboro, IL 62049

3. It is hereby ordered that within 45 days of the date of this order, respondent shall, by certified check or money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pays as compensation for hearing costs incurred by the Board, the amount of three hundred, seventy-five dollars (\$375.00) which is to be sent by First Class mail to:

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

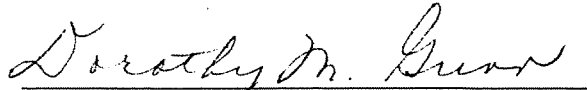
4. Respondent shall write the case name and number and social security or federal Employer Identification Number on each certified check or money order. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.

Payment of this penalty does not prevent future prosecution if the violation or violations continue.

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. 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 opinion and order was adopted on the 7th day of March, 1996, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board