

ILLINOIS POLLUTION CONTROL BOARD
February 15, 2001

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 01-23
) (Administrative Citation)
CLARENCE and JANET BENSON,)
)
Respondents.)

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

On January 2, 2001, the County of LaSalle filed an administrative citation with the Board against Clarence and Janet Benson (respondents), 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 open dumping resulting in litter at the facility located in Manlius Township, LaSalle County, Illinois, in violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (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 respondents were served with the administrative citation on December 20, 2000. 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 January 24, 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 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 \$1,500 within 30 days of the date of this order, that is, on or before March 17, 2001.
2. Payment must be made in the form of a certified check or money order, payable to the LaSalle County Department of Environmental Services and Land Use. The case number, case name, and respondents' social security numbers 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:

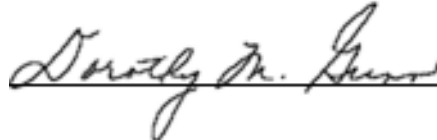
LaSalle County Department of Environmental Services and Land Use
119 West Madison Street
Room 400
Ottawa, Illinois 61350

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 violation continues.

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 15th day of February 2001 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board