

ILLINOIS POLLUTION CONTROL BOARD  
June 30, 1994

SANGAMON COUNTY,	)	
	)	
Complainant,	)	
	)	AC 93-30
v.	)	(SCDPH 93-AC-5)
	)	(Administrative Citation)
THE ILLINOIS NATIONAL BANK OF	)	
SPRINGFIELD, N/K/A FIRST OF	)	
AMERICA TRUST CO. AND RAY LANDERS,	)	
	)	
Respondents.	)	

ROBERT L. SMITH APPEARED ON BEHALF OF COMPLAINANT.

OPINION AND ORDER OF THE BOARD (by E. Dunham):

On April 21, 1994, the Board issued an interim opinion and order in this matter. The interim opinion and order found that the respondents violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and 21(p)(3) (1992)) on June 15, 1993. Having found a violation of the Act, the Board must assess the appropriate penalty for the violation.

Penalties in administrative citation actions are prescribed by Section 42(b)(4) 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 this 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) (1992).)

The Board has found two such violations, therefore, the total penalty to be imposed against respondents is \$1000.00 plus hearing costs. The interim opinion and order requested affidavits from Sangamon County and the Clerk of the Board to determine hearing costs.

On May 9, 1994, Sangamon County filed an affidavit stating that the county's hearing costs were five dollars and fifty cents

(\$5.50). On May 20, 1994<sup>1</sup>, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were forty-seven dollars and fifty cents (\$47.50). The respondents did not file an objection to the affidavits of cost. Therefore, the total hearing cost to be assessed against respondents is fifty-three dollars (\$53.00).

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

ORDER

1. Respondents, the Illinois National Bank of Springfield, n/k/a First of America Trust Co. and Ray Landers, are hereby found to have violated 415 ILCS 5/21(p)(1) and 21 (p)(3)(1992) on June 15, 1993.
2. Within 45 days of this order respondent shall, by certified check or money order, pay \$1005.50 (a civil penalty in the amount of \$1000.00 plus \$5.50 as compensation for hearing costs incurred by the County of Sangamon) to:

James D. Stone, Director  
Sangamon County Department of Public Health  
200 South Ninth, Room 301  
Springfield, IL 62701

Respondents shall also include the remittance form with the payment.

3. It is hereby ordered that within 45 days of the date of this order, respondents shall, by certified check or money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pay as compensation for hearing costs incurred by the Board, the amount of forty-seven dollars and fifty cents (\$47.50) 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.

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<sup>1</sup> The Clerk of the Board filed an amended affidavit on May 25, 1994 correcting the case caption.

Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.

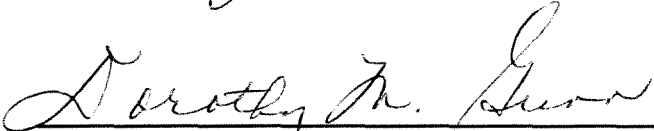
5. This docket is hereby closed.

IT IS SO ORDERED.

J. Theodore Meyer dissented.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), 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 opinion and order was adopted on the 30<sup>th</sup> day of June, 1994, by a vote of 5-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board