

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 2000

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 00-27
	)	(IEPA No. 471-99-AC)
JOHN SIMPSON,	)	(Administrative Citation)
	)	
Respondent.	)	

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

On October 4, 1999, the Illinois Environmental Protection Agency filed an administrative citation with the Board naming John Simpson as respondent. The administrative citation was filed in response to observations made on August 20, 1999, and alleges that respondent caused or allowed litter in violation of Section 21(p)(1) and Section 21(p)(7)(i) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1), 21(p)(7)(i) (1998, as amended by Pub. Act 91-72, eff. July 9, 1999)).<sup>1</sup> The Board received respondent's petition for review on November 4, 1999, and accepted this case for hearing on November 18, 1999.

On January 3, 2000, the parties filed a joint stipulation of settlement and dismissal of respondent's petition for administrative review (stipulation). In the stipulation, respondent admits to violating Section 21(p)(1) and agrees to pay a civil penalty of \$500. The Board grants complainant's motion to dismiss the Section 21(p)(7)(i) allegation, the open dumping of general construction or demolition debris. Respondent must continue to comply with the Act and the Board's regulations. Both parties agree that, contingent upon the Board's acceptance and adoption of the terms and conditions of the stipulation, the petition for review shall be dismissed.

The Board order will, therefore, include that portion of the stipulation which finds a violation of Section 21(p)(1) of the Act and imposes a \$500 penalty. The order will also reflect the agreement upon the date by which the penalty must be paid. 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 regulations.

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

ORDER

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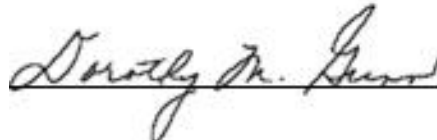
<sup>1</sup> 21(p)(7)(i) prohibits the open dumping of general construction or demolition debris and was added to the Act by Pub. Act 91-72, signed and effective July 9, 1999.

1. The Board finds that the respondent caused or allowed litter in violation of 415 ILCS 5/21(p)(1) (1998).
2. Respondent shall pay the sum of \$500 by December 1, 2000. 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, case name, and respondent's social security number or federal employer identification number shall also be included on the check (or money order) and 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. Any such penalty not paid within the prescribed time period shall 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 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of January 2000 by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board