

ILLINOIS POLLUTION CONTROL BOARD
April 8, 1993

ILLINOIS ENVIRONMENTAL, PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 93-8
)	(IEPA No. 65-93-AC)
RANDALL WELLS and LEROY BROWN & SONS, INC.,)	(Administrative Citation)
)	
Respondents.)	

ORDER OF THE BOARD:

This matter comes before the Board upon a February 18, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Randall Wells and Leroy Brown & Sons on February 17, 1993. The Agency alleges that on December 23, 1992, Randall Wells and Leroy Brown & Sons, present owners and/or operators of a facility located in McDonough County, and commonly known to the Agency as Leroy Brown #2, violated Section 21(o)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Randall Wells and Leroy Brown & Sons has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Randall Wells and Leroy Brown & Sons has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Randall Wells and Leroy Brown & Sons shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

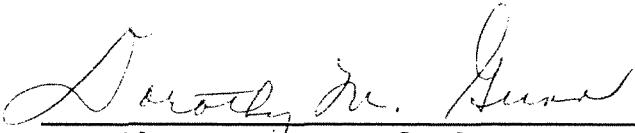
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2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if this violation continues.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111½, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of April, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board