

ILLINOIS POLLUTION CONTROL BOARD

May 7, 1992

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 90-28
	)	(IEPA No. 148-90-AC)
ARTHUR MILLER	)	(Administrative Citation)
(PERU TOWNSHIP/MILLER)	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on its own motion to dismiss this petition for review. On January 9, 1992, the Board issued an order directing the hearing officer to schedule this matter for hearing by February 13, 1992, and to complete all hearings in this matter by April 9, 1992. On April 1, 1992, a copy of a letter by Richard Warrington to the respondent was filed with the Board indicating that the Agency received a \$1,000.00 payment. For this reason, the petition for review is hereby dismissed, and the Board will enter a default order on the citation.

On April 9, 1990, an administrative citation was filed with the Board 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 the respondent on April 7, 1990. The Agency alleges that on March 27, 1990, the respondent, present operator of a facility located in the County of LaSalle, violated Sections 21(q)(1) and 21(q)(3) of the Act.<sup>1</sup> The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act. A petition for review was filed on May 8, 1990, and is dismissed by this May 7, 1992 order.

Pursuant to Section 31.1(d)(1), the Board finds that the respondent has violated the provisions alleged in the amended administrative citation. Since there are 2 such violations, the total penalty to be imposed is \$1,000.00.

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<sup>1</sup> Section 21 of the Act was amended by Public Act 87-752, effective January 1, 1992. As a result, the two subsections enforceable through the administrative citation process have been changed from 21(p) and 21(q) to 21(o) and 21(p) respectively.

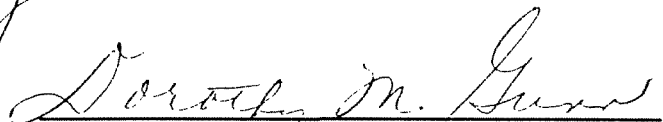
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order the respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000.00 which is to be sent to:

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

This docket is closed.

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 7<sup>th</sup> day of May, 1992, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board