

ILLINOIS POLLUTION CONTROL BOARD
June 26, 1992

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 91-37
) (IEPA No. 478-91-AC)
) (Administrative Citation)
)
HUBERT LARSON AND)
JOHN STRANGE,)
)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This administrative citation was filed with the Board on August 19, 1991, and a petition for review was filed on September 9, 1991. On April 9, 1992, the Board ordered the hearing officer to schedule this matter for hearing by May 11, 1992, and to finish all hearings by July 15, 1992. The Board also stated that failure to complete hearings according to this schedule would subject the proceeding to dismissal for want of prosecution.

The last filing received in this case was a May 29 hearing officer order cancelling a May 11, 1992 hearing "upon the representation by the attorneys for the Petitioner and Respondents that the above entitled case has been settled and dismissed and that all fines have been paid."

The Board accordingly dismisses the petition for review and will proceed to issue a default order finding respondents in violation as alleged.

This matter comes before the Board upon an August 19, 1991 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 Hubert Larson and John Strange on August 15, 1991. The Agency alleges that on June 19, 1991, Hubert Larson and John Strange, present owners and/or operators of a facility located in Ogle County, violated Section 21(q)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Respondents filed a Petition for Review on September 9, 1991 which has been dismissed in this order. Therefore, pursuant to

Section 31.1(d)(1), the Board finds that Hubert Larson and John Strange 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 Hurbert Larson and John Strange 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:

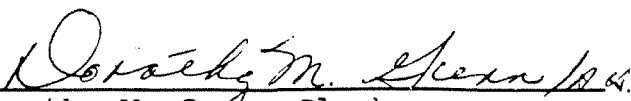
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL 62706

2. Respondents 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 26th day of June, 1992, by a vote of 4-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board