

ILLINOIS POLLUTION CONTROL BOARD
March 26, 1992

ST. CLAIR COUNTY,)
)
 Complainant,)
)
 v.) AC 92-10
) (92-2 SC)
) (Administrative
 THOMAS TODD,) Citation)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a February 21, 1992 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by St. Clair County. 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 Thomas Todd on February 12, 1992. St. Clair County alleges that on December 16, 1991 and January 23, 1992, Thomas Todd, present owner and/or operator of a facility located in St. Clair County and commonly known to the Agency as Cahokia/Alton Southern Railway, violated Sections 21(p)(1) and 21(p)(1) of the Act.¹ The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Thomas Todd 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 Thomas Todd has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Thomas Todd shall, by certified check or money order payable to the Landfill Citation Fund, pay a penalty in the amount of \$1,000.00, which is to be sent to:

¹ 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.

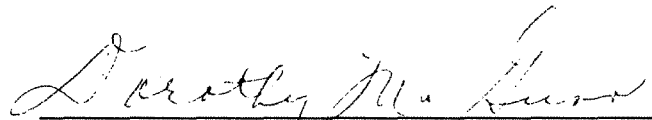
Paul Haas
 County Collector
 #10 Public Square
 Belleville, Illinois 62220

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 the 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 March, 1992, by a vote of 7-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board