

ILLINOIS POLLUTION CONTROL BOARD
July 13, 2000

COUNTY OF OGLE,)
)
 Complainant,)
)
 v.) AC 00-82
) (Administrative Citation)
 LEONARD HAGEMANN,)
)
 Respondent.)

ORDER OF THE BOARD (by C.A. Manning):

On May 25, 2000, Ogle County filed an administrative citation with the Board naming Leonard Hagemann as respondent. The administrative citation was filed in response to observations made on March 29, 2000, and alleges that respondent caused or allowed open dumping which resulted in the causing or allowing of open burning in violation of Section 21(p)(3) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(3) (1998).

On June 29, 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)(3) and agrees to pay a civil penalty of \$1,500. 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, therefore, includes that portion of the stipulation which finds a violation of Section 21(p)(3) of the Act and imposes a \$1,500 penalty. The order also reflects 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

1. The Board finds that the respondent caused or allowed open burning in violation of 415 ILCS 5/21(p)(3) (1998).
2. Respondent shall pay the sum of \$1,500 by October 1, 2000. Such payment shall be made by certified check or money order payable to the Ogle County Solid Waste 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:

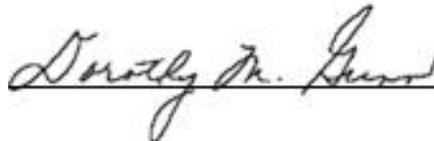
Ogle County Treasurer's Office
Ogle County Courthouse
Oregon, Illinois 61061

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 13th day of July 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board