

ILLINOIS POLLUTION CONTROL BOARD  
May 9, 1991

COUNTY OF MADISON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 91-14  
 ) (Case No. 01- 91)  
 ) (Administrative Citation)  
 GARY and DEBORAH ATTEBERY, )  
 )  
 Respondents. )

ORDER OF THE BOARD:

This matter comes before the Board upon a March 28, 1991 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Madison. 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 Gary and Deborah Attebery on March 28, 1991. Madison County alleges that on February 19, 1991, Gary and Deborah Attebery, present owners and/or operators of a facility located in Madison County, and commonly known to the Agency as Alton/Attebery, violated Section 21(p)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Gary and Deborah Attebery 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 Gary and Deborah Attebery 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 Gary and Deborah Attebery shall, by certified check or money order payable to the General Fund-Solid Waste Fine, pay a penalty in the amount of \$500.00 which is to be sent to:

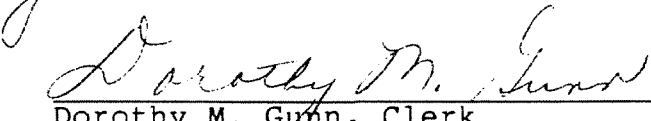
John M. Shimkus  
County Treasurer  
400 St. Louis Street  
P.O. Box 729  
Edwardsville, Illinois 62025

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. 111 $\frac{1}{2}$ , 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 9<sup>th</sup> day of May, 1991, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board