

ILLINOIS POLLUTION CONTROL BOARD  
June 22, 1989

IN THE MATTER OF: )  
 )  
ROBERT KETTELL CONSTRUCTION ) AC 89-85  
CORP. AND ROBERT KETTELL, ) (Case No. 89 C D 202)  
 )  
Respondents. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a motion filed by the County of DuPage on June 20, 1989. The County's motion requests that the Board allow the County to withdraw its previous motion to amend filed on June 9, 1989 and requests that the Board dismiss one of the violations in the administrative citation. Additionally, the County requests that the Board enter a default order for the remaining violation, acknowledging payment of the fine by respondents, Robert Kettell Construction Corp. and Robert Kettell. The administrative citation filed by the County on May 12, 1989 cited the respondents with a violation of Section 21(q)(1) and a violation of Section 21(q)(3) of the Illinois Environmental Protection Act ("Act").

DuPage's motion to withdraw its June 9, 1989 motion to amend is hereby granted. Since DuPage filed its motion to dismiss one of the violations before the Board issued a final default order, that motion is also granted.

In regard to the remaining violation, the respondent 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 the respondent has violated Section 21(q)(1) of the Act. Since there is one such violation, the total penalty to be imposed is set at \$500.00.

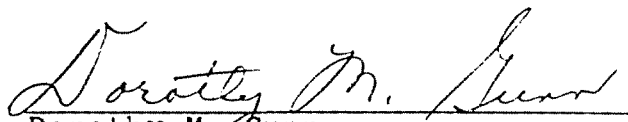
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

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

The Board notes that the County has submitted proof that respondent has paid the \$500.00 penalty imposed for the violation of Section 21(q)(1) of the Act.

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 22<sup>nd</sup> day of June, 1989, by a vote of 7-0.

  
Dorothy M. Gunn  
Illinois Pollution Control Board