

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1989

IN THE MATTER OF:)
)
CITY OF LEROY,) AC 88-96
) (IEPA Docket No. 9266-AC)
Respondent.)

ORDER OF THE BOARD (by J. Anderson):

On January 13, 1989, the Illinois Environmental Protection Agency (Agency) filed a motion to amend the Administrative Citation, filed November 17, 1988 to a) delete one of the three allegations, namely Paragraph A (iii), b) reduce the civil penalty to \$1000, and c) enter an Order noting the City of LeRoy's (City) acknowledgment and payment of the civil penalty as amended.

The Agency's motion to delete one allegation and correct the penalty accordingly is granted.

The Board notes that on January 5, 1989, it ordered the City to pay a \$1500 penalty, based on three violations.

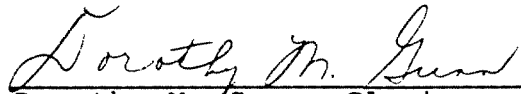
The Board will also construe the Agency's motion as a request to amend the January 5, 1989 Order; that motion is granted. Accordingly, the Board's Order of January 5, 1989, is amended. Pursuant to Section 31.1(d)(1), the Board finds that the City of LeRoy has violated Sections 21(p)(5) and 21(p)(q) of the Illinois Environmental Protection Act (Act) as alleged in the Agency's amended Administrative Citation. Since Section 42(b)(4) of the Act imposes a \$500.00 penalty for each of these two violations, the total penalty to be imposed in this case is set at \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid as indicated by the Agency, within 30 days of the date of this Order the City of LeRoy 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 \$1,000.00 which is to be sent to:

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

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 19~~7~~ day of January, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board