

ILLINOIS POLLUTION CONTROL BOARD
January 4, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
vs.)	AC 00-72
)	(IEPA No. 69-00-AC)
CARL WHITE (Harmony/Carl White))	(Administrative Citation)
)	
Respondent.)	

ROBERT J. SCHERSCHLIGT APPEARED ON BEHALF OF THE AGENCY.

OPINION AND ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On November 2, 2000, the Board entered an interim opinion and order finding that White violated Section 21(p)(1) of the Act. The Board also found that the Illinois Environmental Protection Agency (Agency) and the Board were entitled to hearing costs under Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1998)), and ordered the Agency and the Clerk of the Board to file affidavits of such costs with the Board and to serve the affidavits upon White. The Board granted White 14 days from the date of his receipt of the affidavits to file a response. The Board stated that it would thereafter issue a final order assessing the statutory penalty and assessing appropriate costs.

On November 2, 2000, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were \$288.70, and served White the same date by first class mail. White did not respond to the Clerk's affidavit. On November 16, 2000, the Agency filed a statement of hearing costs with the Board seeking \$200 in costs.

Accordingly, the Board orders White to pay the statutory penalty of \$1,500 for violating Section 21(p)(1) and to pay Board and Agency hearing costs in the amount of \$288.70 and \$200 respectively.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board finds that respondent, Carl White (White), violated Section 21(p)(1) of the Illinois Environmental Protection Act, 415 ILCS 5/21(p)(1) (1998), and assesses White the statutory penalty of \$1,500 for the violation.

2. White must pay the \$1,500 penalty within 30 days of the date of this order. For this penalty, White must make a certified check or money order payable to the Environmental Protection Trust Fund in the amount of \$1,500. White must send the certified check or money orders by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

White must include the remittance form from the administrative citation and write the case name and number and his social security number on the certified check or money order.

3. Within 30 days of the date of this order, White must reimburse the Board for hearing costs in the amount of \$288.70 by certified check or money order made payable to the General Revenue Fund. White must send the payment by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

White must write the case name and number and his social security number on the certified check or money order.

4. Within 30 days of the date of this order, White must also reimburse the Agency for hearing costs in the amount of \$200.00 by certified check or money order made payable to the Environmental Protection Trust Fund. White must send the certified check or money orders by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

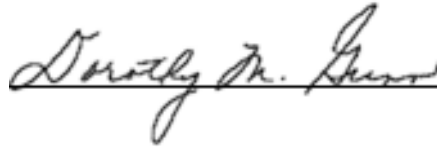
5. Penalties unpaid after the due date will accrue interest pursuant to Section 42(g) of the Act (415 ILCS 5/42(g) (1998)).
6. Payment of this penalty does not prevent future prosecution if either violation continues.

This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days 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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 4th day of January 2001 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control