

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 02-32
	)	(IEPA No. 561-01-AC)
COLORADO REAL ESTATE &	)	(Administrative Citation)
INVESTMENT CO., (KINGSPARK	)	
MOBILE ESTATES),	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On January 15, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Colorado Real Estate & Investment Co. (Kingspark Mobile Estates). *See* 415 ILCS 5/31.1(c) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 108.202(c). The Agency alleges that Colorado Real Estate & Investment Co. violated Section 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(7) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). The Agency further alleges that Colorado Real Estate & Investment Co. violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and by causing or allowing the open dumping of waste in a manner resulting in deposition of general construction or demolition debris or clean construction or demolition debris at 1821 North Lancelot Place, Peoria County.

As required, the Agency served the administrative citation on Colorado Real Estate & Investment Co. within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 108.202(b). On February 19, 2002, Colorado Real Estate & Investment Co. timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2000) ; 35 Ill. Adm. Code 108.204(b).

On July 22, 2002, the parties filed a stipulation of settlement and dismissal of respondent's petition for administrative review. Pursuant to the terms of the proposed settlement, Colorado Real Estate & Investment Co. admits the violation of Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002. The Board accepts the stipulation and proposed settlement. To effectuate the parties' intent that Colorado Real Estate & Investment Co. pay a total penalty of only \$1,500, the alleged

violation of Section 21(p)(7) of the Act is dismissed. 415 ILCS 5/21(p)(7) *amended by P.A. 92-0574*, eff. June 26, 2002.

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

### ORDER

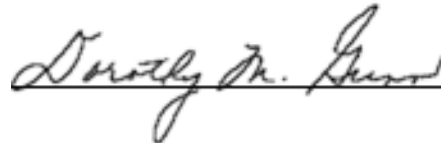
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Pursuant to the stipulated agreement, the alleged violation of Section 21(p)(7) of the Act is dismissed. 415 ILCS 5/21(p)(7) (2000) *amended by P.A. 92-0574*, eff. June 26, 2002. The Board finds that Colorado Real Estate & Investment Co. violated Section 21(p)(1) of the Act, and must pay a civil penalty of \$1,500 no later than September 9, 2002. 415 ILCS 5/21(p)(1) (2000) *amended by P.A. 92-0574*, eff. June 26, 2002.
3. Colorado Real Estate & Investment Co.'s petition to contest the administrative citation is dismissed.
4. Colorado Real Estate & Investment Co. must pay the civil penalty by certified check or money order, made payable to The Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The number, case name, and Colorado Real Estate & Investment Co. social security number or federal employer identification number must be included on the certified check or money order.
5. Colorado Real Estate & Investment Co. must send the certified check or money order to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O Box 19276  
Springfield, Illinois 62794-9276
6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000) *amended by P.A. 92-0574*, eff. June 26, 2002) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 101.3000(d)(2), 101.906. 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on August 8, 2002, 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 Board