

ILLINOIS POLLUTION CONTROL BOARD
May 6, 1999

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 99-9
)	(IEPA No. 457-98-AC)
TERRY PATRICK,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by N. J. Melas):

Pursuant to the "Motion to Modify Order of April 15, 1999" (motion) filed on May 3, 1999, by the Illinois Environmental Protection Agency (Agency), the Board reconsiders its order in this case.

On March 26, 1999, the parties filed a "Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review" (stipulation). The stipulation gives respondent Terry Patrick (Patrick) until April 1, 1999, to pay the \$500 penalty. The April 15, 1999 Board order gives Patrick until May 17, 1999, to pay the \$500 penalty. In the motion, the Agency states that it had intended for the stipulation to give Patrick until April 1, 2000, to pay the \$500 penalty, but the stipulation mistakenly provided for an April 1, 1999 penalty deadline. In the motion, the Agency also states that the April 1, 2000 deadline is appropriate considering Patrick's financial condition.

The Board grants the motion and extends Patrick's deadline to pay the \$500 penalty to April 1, 2000. The Board also vacates its April 15, 1999 order in this matter and enters a new order in its entirety below:

ORDER

1. The Board finds that respondent Terry Patrick caused or allowed litter in violation of 415 ILCS 5/21(p)(1) (1996).
2. Respondent shall pay the sum of \$500 by April 1, 2000. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number and case name, shall be included on the check (or money order). In addition, the social security number for Terry Patrick shall also be included on the check (or money order). The check (or money order) should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check (or money order) shall be sent by first class mail to:

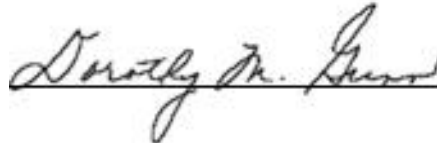
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

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 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of May 1999 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board