

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1999

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 98-41
)	(IEPA No. 238-98-AC)
BRADLEY G. WHITE,)	(Administrative Citation)
)	
Respondent.)	

ROBERT J. SCHERSCHLIGT, ASSISTANT COUNSEL, APPEARED ON BEHALF OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY; and

BRADLEY G. WHITE APPEARED *PRO SE*.

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

This matter comes before the Board on an administrative citation issued by complainant, the Illinois Environmental Protection Agency (Agency), to respondent, Bradley G. White (White). In the administrative citation, the Agency alleges that on April 29, 1998, White violated the Illinois Environmental Protection Act (Act), by causing or allowing open dumping in a manner that resulted in litter and open burning. See 415 ILCS 5/21(p)(1), (3) (1996).

Pursuant to Section 31.1(d)(2) of the Act, White filed a petition for review with the Board on July 23, 1998. A hearing on the administrative citation was held on October 14, 1998.

On February 18, 1999, the Board entered an interim opinion and order finding that White violated Sections 21(p)(1) and (3) of the Act. 415 ILCS 5/21(p)(1), (3) (1996). The Board found that the Agency and the Board were entitled to hearing costs pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (1996). The Agency and the Clerk of the Board were ordered to file affidavits of such costs with the Board and to serve the affidavits upon White within 14 days of the date of the Board order. The Board granted White 14 days from the date of receipt of the affidavits to file a reply. The Board stated that it would thereafter issue a final order assessing the statutory penalty and any appropriate costs.

On March 2, 1999, the Agency submitted an affidavit stating that the Agency's hearing costs were \$200. The Agency included proof of service on White on the same date by first class mail. White has not objected or otherwise responded to the Agency's hearing costs. The Board accepts the Agency's hearing costs and finds them to be reasonable. Accordingly, the

Board orders White to pay the Agency's hearing costs of \$200 in addition to the statutory penalty of \$500 for violating Section 21(p)(1) and \$500 for violating Section 21(p)(3) of the Act.¹

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

ORDER

1. The Board finds that respondent, Bradley G. White, violated Sections 21(p)(1) and (3) of the Act (See 415 ILCS 5/21(p)(1), (3) (1996)), and assesses the statutory penalty of \$500 for each violation, for a total civil penalty of \$1,000.
2. White must pay the \$1,000 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 Treasurer of the State of Illinois, for deposit in the Illinois Environmental Protection Trust Fund, in the amount of \$1,000. White must send the certified check or money order 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

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 also reimburse the Agency for hearing costs incurred in the total amount of \$200 by certified check or money order made payable to the Treasurer of the State of Illinois, for deposit in the General Revenue Fund. White must send the payment by first class mail to the Illinois Environmental Protection Agency at the address set forth in paragraph 2 above. White must write the case name and number and his social security number on the certified check or money order.
4. Any penalties unpaid after the due date will accrue interest pursuant

¹ The Board's affidavit of costs and proof of service were filed after the deadline. Accordingly, the Board will not seek reimbursement of these costs.

to Section 42(g) of the Act. 415 ILCS 5/42(g) (1996).

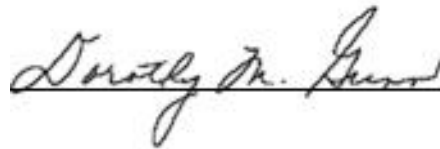
5. Payment of this penalty does not prevent future prosecution if either violation continues.

This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Act provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. See 415 ILCS 5/41 (1996). Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 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 opinion and order was adopted on the 20th 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