

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 1997

|                     |   |                           |
|---------------------|---|---------------------------|
| COUNTY OF DUPAGE,   | ) |                           |
|                     | ) |                           |
| Complainant,        | ) |                           |
|                     | ) |                           |
| v.                  | ) | AC 97-13                  |
|                     | ) | (County No.96 CD 494)     |
| M. SALEEM CHOUDHRY, | ) | (County No. 96 SA 494)    |
|                     | ) | (Administrative Citation) |
|                     | ) |                           |
| Respondent.         | ) |                           |

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board upon the August 29, 1996 filing of an administrative citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by DuPage County (County). A copy of the administrative citation is attached hereto. Service of the administrative citation was made upon M. Saleem Choudhry (Choudhry) on August 29, 1996. The administrative citation alleges that Choudhry violated Sections 21(a), 21(d), 21(p)(1), and 21(p)(4) of the Act, as well as Sections 807.201 and 807.202 of the Board's Solid Waste Regulations. (415 ILCS 5/21(a), 21(d), 21(p)(1) and 21(p)(4) (1994); 35 Ill. Adm. Code 807.201 and 807.202.) The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

On September 26, 1996, Choudhry filed a petition for review. Pursuant to the Illinois Environmental Protection Act (Act) parties may appeal an administrative citation within 35 days of the date of service of the citation. (415 ILCS 5/31.1(b)(4) (1997).) On March 13, 1997 the Board received a Joint Stipulation of Settlement and Withdrawal of Respondent's Petition for Administrative Review. As part of this agreement Choudhry neither admits nor denies that he violated the Act, but agrees to pay a civil penalty of \$1,000.00. Choudhry also requests that the Board dismiss his petition for review in this case. The County agrees to dismiss the remaining violations in its complaint.

The Board notes that Section 31.1(d) of the Act does not allow recognition of settlement agreements in administrative citation proceedings wherein the respondent neither admits nor denies the violations. Therefore, the Board grants Choudhry's motion to dismiss the petition for review and pursuant to Section 31.1(d)(1) of the Act, finds that Choudhry violated Section 21(p)(1) of the Act by causing or allowing litter, and Section 21(p)(4) of the Act by causing or allowing the deposition of waste in standing or flowing waters. Since there are two violations, the total penalty to be imposed is \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, by April 19, 1997, respondent shall, by certified check or money order payable to the DuPage County Treasurer, pay a penalty in the amount of \$1,000.00 which shall be sent to:

Solid Waste Department  
North County Farm Road  
Wheaton, Illinois 60187

2. Respondent shall write the case name and number and his social security or federal employer identification number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if violations continue.

This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (*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 \_\_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

---

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board