

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1997

COUNTY OF WILL,)	
)	
Complainant,)	
)	
v.)	AC 97-53
)	(WC 97 AC 8)
ERNEST ANGELINA,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board on the March 21, 1997 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1994)) by the County of Will (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Ernest Angelina (respondent) on March 19, 1997. The County alleges that on March 3, 1997 respondent, present owner and/or operator of a facility located in Will County and commonly known to the County as Illinois Environmental Protection Agency site #1978215005, violated Sections 21(p)(1) and 21(p)(3) of the Act. The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act.

Respondent has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(1) of the Act. Therefore, the Board finds that respondent has violated the provisions alleged in the administrative citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.

The citation alleges that the penalty should be \$2,000. This administrative citation is split into two (2) counts, each alleging two violations occurring on March 3, 1997; however, the reason for the dual count complaint is unclear from the face of the citation. There is only one inspection report with accompanying photos relating to one site inspection from 10:40 to 10:50 a.m. on March 3, 1997, which alleges violations of Sections 21(p)(1) and 21(p)(3). Another inspection report lists violations of Section 55(a)(1) and (2) on February 27, 1997; however, these alleged violations are not proper subjects of an administrative citation. Under these circumstances, the Board finds that the complainant has submitted adequate proof of only two (2) administrative citation violations, rather than four (4) administrative citations. Therefore, the penalty is properly assessed at \$1,000.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondent shall, by certified check or money order payable to the County of Will, pay a penalty in the amount of \$1,000 which is to be sent to:

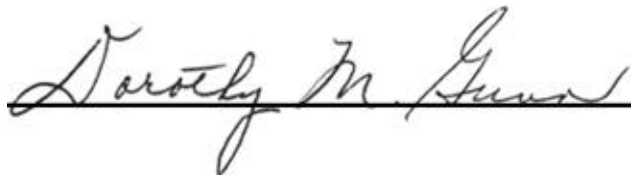
Will County Land Use Department
Solid Waste Division
Attn: Julie Juntunen
Environmental Enforcement Officer
501 Ella Avenue
Joliet, Illinois 60433

2. Respondent shall include the remittance form and write the case name and number and its social security number 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 Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court 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 15th day of May, 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board