

ILLINOIS POLLUTION CONTROL BOARD  
March 6, 2003

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 03-14
	)	(County No. 0778005006)
JAMES QUALLS,	)	(Administrative Citation)
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On February 6, 2003, the Board issued an opinion and order finding James Qualls (Qualls) violated Section 21(p)(1), (5), and (7) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1), (5), (7) (2002). Furthermore, the Board ordered James Qualls to pay a \$4,500 civil penalty by March 8, 2003. The Board ordered Qualls to send a certified check or money order to the Illinois Environmental Protection Agency (Agency).

On February 27, 2003, the County of Jackson filed a motion to correct clerical error. The motion correctly indicated that the Board's February 6, 2003 order mistakenly listed the Agency as the complainant rather than the County of Jackson. The Board's order also directed Mr. Qualls to send his payment to the Agency rather than the County of Jackson.

Generally, the Board will wait 14 days after service of a motion for a party to file a response. 35 Ill. Adm. Code 101.500(d). However, waiting for the 14 days to pass in this instance could cause undue delay and could materially prejudice the parties. Consequently, the Board grants the County of Jackson's motion to correct clerical error prior to expiration of Mr. Qualls' time to respond.

As the Board held in its February 6, 2003 order, Mr. Qualls violated Section 21(p)(1), (5), and (7) of the Act. *See* 415 ILCS 5/21(p)(1), (5), (7) (2002). Mr. Qualls must pay a \$4,500 civil penalty to the County of Jackson. *See IEPA v. Keller*, AC 03-10, slip op. at 1 (Nov. 21, 2002); 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500(a).

That portion of the Board's February 6, 2003 order instructing Mr. Qualls to pay his civil penalty to the Agency is vacated. The corrected order is set out in its entirety below.

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

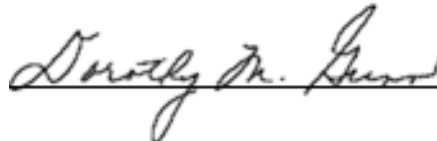
**ORDER**

1. James Qualls must pay a civil penalty of \$4,500 no later than April 5, 2003, which is the 30th day after the date of this order.
2. James Qualls must pay the civil penalty by certified check or money order, made payable to the County of Jackson. The case number, case name, and James Qualls's social security number or federal employer identification number must be included on the certified check or money order.
3. James Qualls must send the certified check or money order and the remittance form to:  
  
Shirley Dillinger Booker  
Jackson County Treasurer  
Murphysboro, Illinois 62966
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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) (2002); *see also* 35 Ill. Adm. Code 101.300(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 March 6, 2003, by a vote of 6-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board