

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1997

COUNTY OF WILL,)	
)	
Complainant,)	
)	
v.)	AC 98-5
)	(WC 97 AC 17)
EDWARD FOGARTY,)	(Administrative Citation)
)	
Respondent.)	

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

This matter comes before the Board upon the August 1, 1997 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the County of Will (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Edward Fogarty (respondent) on August 5, 1997. The County alleges that on July 10, 1997, respondent, present owner and/or operator of a facility located in Will County and commonly known to the County as the Fogarty property, violated Sections 21(p)(1), 21(p)(3) and 21(p)(4) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4) (1996)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)).

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 respondent has violated the provisions alleged in the administrative citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.¹

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 \$1,500, 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

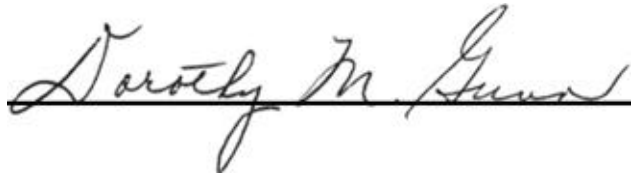
¹ Payment was received by the County of Will on August 25, 1997.

2. Respondent shall include the remittance form and 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 Act. 415 ILCS 5/42(g) (1996).
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 (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 18th day of September 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board