

ILLINOIS POLLUTION CONTROL BOARD  
June 4, 1998

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 98-25
	)	(IEPA No. 135-98-AC)
MELVIN C. DYER,	)	(Administrative Citation)
	)	
Respondent.	)	

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

This matter comes before the Board upon the April 6, 1998, filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1996)) by the Illinois Environmental Protection Agency (Agency). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Melvin C. Dyer (respondent) on April 15, 1998. The Agency alleges that on February 20, 1998, respondent, present owner and/or operator of a facility located in Coles County and commonly known to the Agency as Humboldt/Melvin Dyer, violated Sections 21(p)(1), (p)(3), and (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 (415 ILCS 5/31.1(d)(1) (1996)). Therefore, the Board finds respondent has violated the provisions alleged in the administrative citation. Since there are three such violations, the total penalty to be imposed is set at \$1,500.

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 Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,500, which is to be sent to:

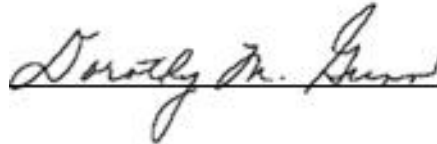
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. Respondent shall include the remittance form and write the case name and number and their 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 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 order was adopted on the 4th day of June 1998 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