

ILLINOIS POLLUTION CONTROL BOARD
June 17, 1998

COUNTY OF WILL,)
)
 Complainant,)
)
 v.) AC 98-28
) (County No. WC 98 AC 01)
 RICHARD GUESS and KIM GUESS,) (Administrative Citation)
)
 Respondents.)

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

This matter comes before the Board upon the May 1, 1998, 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 Richard Guess and Kim Guess (respondents) on May 1, 1998. The County alleges that on March 19, 1998, respondents, present owners and/or operators of a facility located in Will County and commonly known to the County as the Richard Guess and Kim Guess property, violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (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)).

Respondents have 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 respondents have violated the provisions alleged in the administrative citation. Since there are two such violations, the total penalty to be imposed is set 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, respondents 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: Joy Hinz
Environmental Enforcement Officer
501 Ella Avenue
Joliet, Illinois 60433

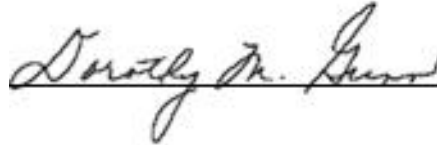
2. Respondents shall include the remittance form and write the case name and number and their social security or federal employer identification numbers on the certified check or money order.

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 17th day of June 1998 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