

JILLINOIS POLLUTION CONTROL BOARD
July 8, 1998

COUNTY OF WILL,)	
)	
Complainant,)	
)	
v.)	AC 98-8
)	(County No. WC 97 AC 18)
WILLIAM HUNTER,)	(Administrative Citation)
)	
Respondent.)	

DAWN R. UNDERHILL, ASSISTANT STATE'S ATTORNEY, APPEARED ON BEHALF OF THE COUNTY OF WILL.

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

This matter comes before the Board on an administrative citation filed by complainant, the County of Will (County), against respondent, William Hunter (Hunter). The administrative citation alleges that on July 21, 1997, Hunter caused or allowed open dumping in a manner that resulted in the occurrences of (1) litter in violation of Section 21(p)(1) of the Environmental Protection Act (Act); and (2) open burning in violation of Section 21(p)(3) of the Act. See 415 ILCS 5/21(p)(1) and (3) (1996).

Under Section 31.1(d)(2) of the Act (415 ILCS 5/31.1(d)(2) (1996)), Hunter filed a petition for review with the Board on September 15, 1997. A hearing on the administrative citation was held on March 31, 1998.

On May 7, 1998, the Board entered an interim opinion and order finding that Hunter violated Sections 21(p)(1) and (3) of the Act. The Board also found that the County and the Board were entitled to hearing costs under Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)), and ordered the County and the Clerk of the Board to file affidavits of such costs with the Board and to serve the affidavits upon Hunter. The Board granted Hunter 14 days from the date of his receipt of the affidavits to file a reply. The Board stated that it would thereafter issue a final order assessing the statutory penalty and assessing appropriate costs.

On May 13, 1998, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were \$136.50. The Clerk included proof of service on Hunter of the same date by First Class mail. Hunter did not respond to the Clerk's affidavit. On May 14, 1998, the County filed a letter with the Board stating that the County is not seeking hearing costs.

The Board finds the hearing costs reasonable. Accordingly, the Board orders Hunter to pay the statutory penalty of \$500 for violating Section 21(p)(1) and \$500 for violating Section 21(p)(3) and to pay the Board's hearing costs in the amount of \$136.50.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board finds that respondent, William Hunter (Hunter), violated Sections 21(p)(1) and (3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (3) (1996)) and assesses Hunter the statutory penalty of \$500 for each violation, for a total civil penalty of \$1,000.
2. Hunter must pay the \$1,000 penalty within 30 days of the date of this order. For this penalty, Hunter must (1) make one certified check or money order payable to The County of Will in the amount of \$500 and (2) make a second certified check or money order payable to the Environmental Protection Trust Fund in the amount of \$500. Hunter must send both certified checks or money orders by First Class mail to:

Will County Land Use Department
Attention: Dean Olson, Waste Service Director
501 Ella Avenue
Joliet, Illinois 60433

Hunter must include the remittance form from the administrative citation and write the case name and number and his social security number on the certified checks or money orders.

3. Within 30 days of the date of this order, Hunter must reimburse the Board for its hearing costs in the amount of \$136.50 by certified check or money order made payable to the General Revenue Fund. Hunter must send the payment by First Class mail to:

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

Hunter must write the case name and number and his social security number on the certified check or money order.

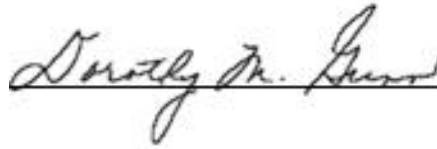
4. Penalties unpaid after the due date will accrue interest pursuant to Section 42(g) of the Act (415 ILCS 5/42(g) (1996)).
5. Payment of this penalty does not prevent future prosecution if either violation continues.

This docket is hereby closed.

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 opinion and order was adopted on the 8th day of July 1998 by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board