

ILLINOIS POLLUTION CONTROL BOARD  
July 8, 1998

COUNTY OF MONTGOMERY, )  
 )  
 Complainant, )  
 )  
 v. ) AC 98-31  
 ) (Administrative Citation)  
 ROBERT M. FLEMING, )  
 )  
 Respondent. )

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

This matter comes before the Board upon the May 18, 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 County of Montgomery (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Robert M. Fleming (respondent) on May 13, 1998. The County alleges that on March 13, 1998, respondent, present owner and/or operator of a facility located in Montgomery County and commonly known to the County as Hillsboro/ Fleming open dump site, Lots #20, 21, 36 and 37 of Park Subdivision on the south side of School Street, in the City of Hillsboro, violated Section 21(p)(1) of the Act. The statutory penalty established for this violation is \$500 pursuant to Section 42(b)(4) of the Act.

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 that respondent has violated the provision alleged in the administrative citation. Since there is one such violation, the total penalty to be imposed is set at \$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 Montgomery County Treasurer, pay a penalty in the amount of \$500, which is to be sent to:

Montgomery County Health Department  
Attn: Amy Stewart, Director  
South Route 185  
Hillsboro, Illinois 62049

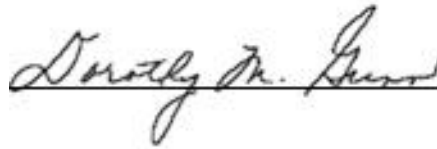
2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number on the certified check or money order.

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 8th day of July 1998 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board