

ILLINOIS POLLUTION CONTROL BOARD  
July 8, 1998

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-31  
) (Enforcement - Land - Tires)  
JOHNNIE MAE HENDRICKS, )  
)  
Respondent. )

FINAL ORDER OF THE BOARD (by M. McFawn):

On June 17, 1998, the Board entered an interim order in which it found that respondent Johnnie Mae Hendricks had committed the majority of the violations alleged in the ten-count complaint brought by the Attorney General on behalf of the people of the State of Illinois (Complainant). The Board further found that many of the violations were knowing, and that accordingly an award of fees and costs under 415 ILCS 5/42(f) (1996) was appropriate. The Board granted Complainant until July 2, 1998, to file an affidavit of fees and costs.

On June 25, 1998, Complainant filed an affidavit of Assistant Attorney General Thomas Davis asserting fees and costs of \$960. The Board finds that this amount is reasonable and awards Complainant \$960 pursuant to 415 ILCS 5/42(f).

Ms. Hendricks must pay \$960 on or before August 14, 1998. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Hazardous Waste Fund, and must be delivered to:

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

The certified check or money order must clearly indicate on its face this case name and docket number. Any portion of the fees awarded which is not paid by August 14, 1998, will incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest will not accrue during the pendency of an appeal during which payment of the fee award has been stayed.

The Board also hereby incorporates by reference and finalizes its interim opinion and order of June 17, 1998, in which Ms. Hendricks was ordered to pay a civil penalty of \$39,000. Ms. Hendricks must pay this penalty on or before July 17, 1998. Such payment

must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and must be sent by first class mail to:

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

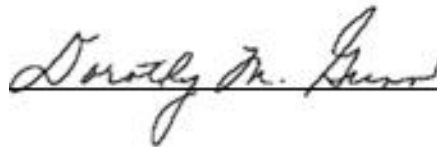
The certified check or money order must clearly indicate on its face this case name and docket number. Any penalty not paid within the time prescribed will accrue interest at the rate set forth in section (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a)(1996)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest will not accrue during such stay.

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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 4-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board