



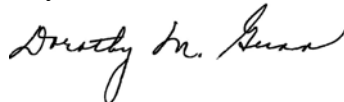
*See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.300. By contesting the administrative citation, Mr. Wernigk may have to pay the hearing costs of the Board and the County. *See* 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. A schedule of the Board's hearing costs is available from the Clerk of the Board and on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). *See* 35 Ill. Adm. Code 504.

Mr. Wernigk may withdraw his petition to contest the administrative citation at any time before the Board enters its final decision. If Mr. Wernigk chooses to withdraw his petition, he must do so in writing, unless he does so orally at hearing. *See* 35 Ill. Adm. Code 108.208. If Mr. Wernigk withdraws his petition after the hearing starts, the Board will require Mr. Wernigk to pay the hearing costs of the Board and the County. *See id.* at 108.500(c).

The County has the burden of proof at hearing. *See* 415 ILCS 5/31.1(d)(2) (2002); 35 Ill. Adm. Code 108.400. If the Board finds that Mr. Wernigk violated Sections 21(p)(1) and (7) of the Act, the Board will impose civil penalties on Mr. Wernigk. The civil penalty for violating any provision of Section 21(p) is \$1,500 for each violation of each such provision, except that the civil penalty amount is \$3,000 for each violation of any provision of Section 21(p) that is the person's second or subsequent adjudicated violation of that provision. *See* 415 ILCS 5/42(b)(4-5) (2002); 35 Ill. Adm. Code 108.500. However, if the Board finds that Mr. Wernigk "has shown that the violation resulted from uncontrollable circumstances, the Board shall adopt a final order which makes no finding of violation and which imposes no penalty." 415 ILCS 5/31.1(d)(2) (2002); *see also* 35 Ill. Adm. Code 108.500(b).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 21, 2004, by a vote of 5-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board