

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1998

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 99-7
)	(IEPA No. 408-98-AC)
DAVID SWEARINGEN,)	(Administrative Citation)
)	
Respondent.)	

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

On August 11, 1998, complainant properly and timely filed an administrative citation with the Board pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1996)), alleging that respondent violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(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).

In this matter, respondent has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as required by Section 31.1(d)(1) of the Act. 415 ILCS 31.1(d)(1) (1996). Accordingly, the Board finds that respondent has violated the provisions alleged in the administrative citation, which is attached hereto. Since there are two such violations, the total penalty to be imposed is \$1,000.

It is hereby ordered that:

1. Respondent shall pay a civil penalty in the amount of \$1,000 within 30 days of the date of this order.
2. Payment shall be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number should also be included on the check (or money order).
3. The check (or money order) and the remittance form shall be sent to:

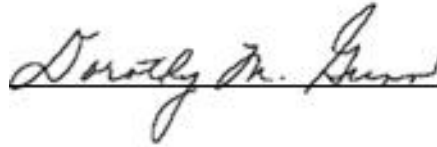
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order shall 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 the violations continue.

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 the date 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 1st day of October 1998 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board