

Finally, the Board notes that under terms of the settlement agreement, Wernigk is to pay the \$3,000 civil penalty in monthly installments of \$125, with final payment due by June 15, 2007. Though the parties filed the proposed settlement agreement on July 5, 2005, the agreement makes the first \$125 installment payment due “on or before July 15, 2005.” Settlement at 1. The due date for the first installment payment therefore precedes the date of this Board opinion and order. There is no indication in the record whether Wernigk has made the first installment payment. Accordingly, the Board finds that the first installment will be considered timely paid if Wernigk *either* made a \$125 payment on or before July 15, 2005, *or* makes a \$250 payment on or before August 15, 2005.

This opinion constitutes the Board’s finding of fact and conclusions of law.

ORDER

1. The Board accepts and incorporates by reference the proposed settlement agreement.
2. The Board finds that Wernigk violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)) by causing or allowing the open dumping of waste resulting in litter.
3. Wernigk must pay a total civil penalty of \$3,000 in installments of no less than \$125 per month, due on or before the 15th of each month, with the final payment due on or before June 15, 2007. Payment must be made by certified check or money order, made payable to the County of Vermilion, Illinois. The case number, case name, and Wernick’s social security number must be included on the certified check or money order.
4. Wernigk must send the certified check or money order to:

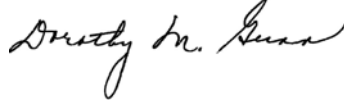
Vermilion County Health Department
 200 South College Street
 Danville, Illinois 61832
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
6. The Board dismisses the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2004)) and Wernigk’s petition to contest the administrative citation.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the

order. 415 ILCS 5/41(a) (2004); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on July 21, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board