

ILLINOIS POLLUTION CONTROL BOARD
September 1, 2005

COUNTY OF VERMILION,)	
)	
Complainant,)	
)	
v.)	AC 06-1
)	(County File No. 05-01)
PHIL ROUSE,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by J.P. Novak):

On July 5, 2005, the County of Vermilion timely filed an administrative citation against Phil Rouse. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Vermilion alleges that on May 10, 2005, Phil Rouse violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(3) (2004)). The County of Vermilion further alleges that Phil Rouse violated these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) open burning at 1831 Perrysville Road, Lot 64, Danville, Vermilion County.

As required, the County of Vermilion served the administrative citation on Phil Rouse within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). On August 1, 2005, Phil Rouse timely filed a petition to contest the administrative citation. *See* 415 ILCS 5/31.1(d) (2004); 35 Ill. Adm. Code 108.204(b). Phil Rouse alleges that “he has never been responsible for conducting an unlicensed open dump” on the subject property. *See* 35 Ill. Adm. Code 108.206. The Board accepted the petition for hearing by an order dated August 4, 2005.

On August 25, 2005, the County of Vermilion and Phil Rouse filed a stipulation and proposed settlement and dismissal of respondent’s petition for review. *See* 35 Ill. Adm. Code 108.208 and 108.500(c). Phil Rouse admits the violation of Section 21(p)(3) and agrees to pay a civil penalty of \$1,500. The County of Vermilion asks to withdraw the alleged violation of Section 21(p)(1).

The Board accepts the stipulation and proposed settlement agreement. To effectuate the parties’ agreement, the Board directs Phil Rouse to pay a civil penalty in the amount of \$1,500. The Board further dismisses the August 1, 2005 petition for review.

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

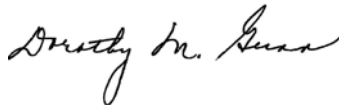
ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Pursuant to the stipulated agreement, the alleged violation of Section 21(p)(1) of the Act and the August 1, 2005 petition for review are dismissed. The Board finds that Phil Rouse violated Section 21(p)(3) of the Act, and must pay a civil penalty of \$1,500 no later than September 15, 2005.
3. Phil Rouse must pay the civil penalty by certified check or money order, made payable to the Vermilion County Health Department. The number, case name, and Phil Rouse's social security number or federal employer identification number must be included on the certified check or money order.
4. 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)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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) (2000); *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 September 1, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board