

ILLINOIS POLLUTION CONTROL BOARD  
April 15, 1999

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 99-9
	)	(IEPA No. 457-98-AC)
TERRY PATRICK,	)	(Administrative Citation)
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by N. J. Melas):

On August 31, 1998, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board naming Terry Patrick as respondent. The administrative citation was filed in response to observed violations of the Environmental Protection Act (Act) that occurred at the Milmine/Terry Patrick facility in Piatt County, Illinois.

The administrative citation alleges that respondent owned and/or operated the Milmine/Terry Patrick facility as an open dump and that the open dump was operating without an Agency-issued operating permit. It alleges that respondent caused or allowed litter in violation of Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (1996). The administrative citation also alleges that respondent caused or allowed open burning in violation of Section 21(p)(3) of the Act. 415 ILCS 5/21(p)(3) (1996).

The Board issued a default order in this matter on September 17, 1998. The Board then received respondent's petition for review on October 5, 1998. On October 15, 1998, the Board vacated the default order, finding that an order should not have been entered prior to October 6, 1998. Having received the petition on October 5, 1998, the Board accepted the matter for hearing.

On March 26, 1999, the parties filed a "Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review" (stipulation). In the stipulation, respondent admits the alleged violation of Section 21(p)(1) of the Act and agrees to pay a civil penalty of \$500. In consideration of respondent's admission that he violated Section 21(p)(1), the Agency dismisses the alleged violation of Section 21(p)(3). The respondent and the Agency agree that, contingent on the Board's acceptance and adoption of the terms and conditions of the stipulation, the administrative citation and the petition for review shall be dismissed.

Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1996)) authorizes the Board to impose a civil penalty pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)) for a

violation of the Act as alleged in an administrative citation. This opinion constitutes the Board's findings of fact and conclusion of law in this matter.

ORDER

1. The Board finds that respondent Terry Patrick caused or allowed litter in violation of 415 ILCS 5/21(p)(1) (1996).
2. Respondent shall pay the sum of \$500 by May 17, 1999. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number and case name, shall be included on the check (or money order). In addition, the social security number for Terry Patrick shall also be included on the check (or money order). The check (or money order) should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check (or money order) shall be sent by first class mail to:

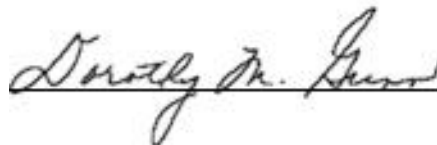
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

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 service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 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 opinion and order was adopted on the 15th day of April 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board