

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1997

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 97-39
	)	(IEPA No. 511-96-AC)
GALE E. WILHELMS and LINDA L.	)	(Administrative Citation)
WILHELMS,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon the November 13, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Gale E. Wilhelms and Linda L. Wilhelms (respondents) on November 16, 1996. The Agency alleges that on August 28, 1996, respondents present owners and/or operators of a facility located in Stephenson County and commonly known to the Agency as Ridott Twp./Wilhelms, violated Sections 21(p)(1) and 21(p)(4) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Respondents have not filed a petition for review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(1) of the Act. Therefore, the Board finds respondents have violated the provisions alleged in the administrative citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondents shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000.00, which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. Respondent shall include the remittance form and write the case name and number and his social security or federal employer identification number on the certified check or money order.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 \_\_\_\_\_ day of \_\_\_\_\_, 1997, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board