

ILLINOIS POLLUTION CONTROL BOARD

June 19, 1997

COUNTY OF LASALLE,)	
)	
Complainant,)	
)	AC 97-24
v.)	(Administrative Citation)
)	
CHARLIE RAIKES, d/b/a KICKAPOO)	
IRON & METAL,)	
)	
Respondent.)	

ROBERT ESCHBACH APPEARED ON BEHALF OF COMPLAINANT; CHARLIE RAIKES APPEARED *PRO SE*.

FINAL OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

This matter comes before the Illinois Pollution Control Board (Board) on an administrative citation filed by the County of LaSalle (County) against respondent Charlie Raikes, d/b/a Kickapoo Iron & Metal (Raikes). The administrative citation alleges that on August 29, 1996, Raikes violated Section 21(p)(3) of the Environmental Protection Act (Act), (415 ILCS 5/21(p)(3) (1996)), by causing or allowing open burning at his facility in Manlius Township, LaSalle County.

Under Section 31.1 of the Act, (415 ILCS 5/31.1 (1996)), Raikes filed a petition for review with the Board on October 21, 1996. A hearing on the administrative citation was held on February 21, 1997.

On April 17, 1997, the Board entered an interim opinion and order finding that Raikes had violated Section 21(p)(3) of the Act. The Board also found that the County and the Board were entitled to hearing costs under Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)), and ordered the County and the Clerk of the Board to file affidavits of such costs with the Board and to serve the affidavits upon Raikes. The Board granted Raikes 14 days from the date of his receipt of the affidavits to file a reply. The Board stated that it would issue a final order assessing the statutory penalty and assessing appropriate costs thereafter.

On April 23, 1997, the Clerk of the Board filed an affidavit of costs stating that the Board's hearing costs were \$155.40. The Clerk also filed proof that it had served the affidavit on Raikes on April 23, 1997. On May 2, 1997, the County filed a letter with the Board advising the Board that the County is not making a claim for hearing costs. The County also filed proof that it had served the letter on Raikes on April 30,

1997. Raikes did not respond to the Clerk of the Board's affidavit or the County's letter.

The Board finds the hearing costs reasonable. Accordingly, the Board orders Raikes to pay a penalty of \$500 for his violation of Section 21(p)(3) of the Act and to pay the Board's hearing costs in the amount of \$155.40.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board finds that Raikes has violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (1996)) and assesses Raikes a penalty of \$500 for this violation.
2. Within 30 days of the date of this order, Raikes shall pay to the County of LaSalle a penalty in the amount of \$500 by certified check or money order made payable to the LaSalle County Department of Environmental Services and Land Use. Raikes shall send the payment by First Class Mail to:

LaSalle County Department of Environmental Services and Land Use
119 West Madison Street
Room 400
Ottawa, Illinois 61350

Raikes shall include the remittance form from the administrative citation and write the case name and number and its social security or federal employer identification number on the certified check or money order.

3. Within 30 days of the date of this order, Raikes shall reimburse the Board for its hearing costs in the amount of \$155.40 by certified check or money order made payable to the General Revenue Fund. Raikes shall send the payment by First Class Mail to:

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

Raikes shall include the remittance form from the administrative citation and write the case name and number and its social security or federal employer identification number on the certified check or money order.

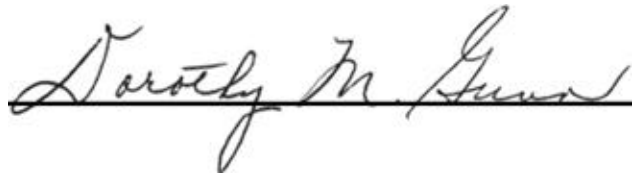
4. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act (415 ILCS 5/42(g) (1996)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

This docket is hereby closed.

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. 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 opinion and order was adopted on the 19th day of June 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control