

ILLINOIS POLLUTION CONTROL BOARD
October 2, 1997

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	AC 98-6
v.)	(Administrative Citation)
)	(IEPA No. 308-97-AC)
R. FRIETSCH & COMPANY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on an administrative citation filed August 4, 1997, by the Illinois Environmental Protection Agency (Agency). The administrative citation alleges that R. Frietsch & Company (Frietsch) caused or allowed litter and open burning on its property in Peoria, Illinois in violation of Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1), 21(p)(3) (1996).

On August 14, 1997, Frietsch filed a petition for review. Pursuant to the Act, parties may appeal an administrative citation within 35 days of the date of service of the citation. 415 ILCS 5/31.1(b)(4) (1996).

On September 17, 1997, the parties filed a joint stipulation of settlement and motion to dismiss the petition for review. The parties state that they have reached a joint stipulation and settlement agreement wherein Frietsch admits to one count of causing or allowing litter in violation of Section 21(p)(1) of the Act. Frietsch agrees to pay the statutory penalty of \$500 in full within 30 days of entry of the Board's order adopting the agreement. The Agency agrees to dismiss the alleged violation of causing or allowing open burning in violation of Section 21(p)(3) of the Act. Finally, Frietsch requests that the Board dismiss his petition for review in this case.

The Board hereby accepts the stipulated settlement agreement proposed by the parties. The attached order therefore finds Frietsch in violation of Section 21(p)(1) of the Act, assesses the statutory penalty of \$500, and directs Frietsch to pay such penalty on or before November 1, 1997. The proposed settlement agreement does not preclude enforcement against Frietsch for any future violations of local, state, federal or common law, including but not limited to violations of the same type and nature as those enumerated in the Agency's August 4, 1997, administrative citation.

ORDER

1. It is hereby ordered that, unless the penalty has already been paid, by November 1, 1997, R. Frietsch & Company shall, by certified check or money order payable to the Illinois Environmental Protection Fund, pay a penalty in the amount of \$500 which shall be sent to:

Illinois Environmental Protection Agency
Attn: Fiscal Services
1021 N. Grand Avenue East
Springfield, Illinois 62702

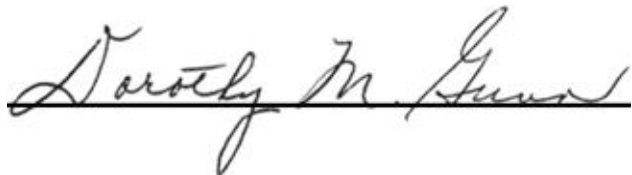
2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if violations continue.

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 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 order was adopted on the 2nd day of October 1997, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board