

ILLINOIS POLLUTION CONTROL BOARD  
September 21, 1995

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 96-8  
 ) (Administrative Citation)  
 EASTON AUTOMOTIVE, )  
 )  
 Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon the August 9, 1995 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Jackson County. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Easton Automotive on August 8, 1995. Jackson County alleges that on June 30, 1995, Easton Automotive, present owners and/or operators of a facility located in Jackson County and commonly known to the County as Murphysboro/Easton Automotive site, violated Sections 21(p)(1) and 21(p)(5) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Easton Automotive has 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)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Easton Automotive has 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 Easton Automotive, shall by certified check or money order payable to the Jackson County Treasurer, pay a penalty in the amount of \$1,000.00, which is to be sent to:

Shirley Booker  
Jackson County Treasurer's Office  
P. O. Box 430  
Jackson County Courthouse  
Murphysboro, Illinois 62966

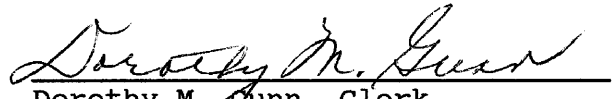
2. Respondent shall include the remittance form and write the case name and number and his social security or federal Employer Identification Number on the certified check or money order.

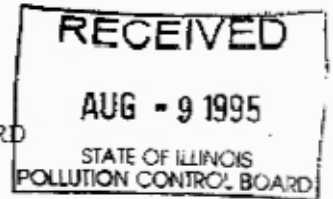
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1994)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21<sup>st</sup> day of September, 1995, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

COUNTY OF JACKSON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 96 - 8
	)	
EASTON AUTOMOTIVE,	)	
	)	
Respondent.	)	

**JURISDICTION**

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/1 et. seq. (1994), specifically 415 ILCS 5/31.1.

**FACTS**

1. The Respondent is the present owner and/or operator of a facility located in the County of Jackson, State of Illinois.
2. The facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with the Site Code # 0778140027. The facility is known to the Agency as the Murphysboro/Easton Automotive site.
3. The Respondent has owned and/or operated the facility at all relevant times hereto.
4. On June 30, 1995, George Browning, Field Inspector, Jackson County Health Department, inspected the facility. A true and correct copy of the inspection report, along with Mr. Browning's affidavit, are attached and incorporated herein by reference as Exhibit A.

VIOLATIONS

On the basis of Field Inspector, George Browning,'s direct observation, he has determined that the Respondent has caused or allowed open dumping at the above described facility in a manner that resulted in the following violations:

That on June 30, 1995 an on-site inspection of the facility disclosed the following:

1. The Respondent has caused or allowed litter to be collected or dumped at the facility in violation of 415 ILCS 5/21 (p) (1).
2. The Respondent has caused or allowed the proliferation of disease vectors in violation of 415 ILCS 5/21 (p) (5).

CIVIL PENALTY

In accordance with 415 ILCS 5/42 (b) (4), the Respondent is subject to a civil penalty of \$500.00 for each violation specified above in paragraphs 1 - 2. This is total of \$1,000.00 for this Citation. Additionally, should the Respondent elect to petition the Illinois Pollution Control Board under the review process described below, after an adjudicatory hearing, the Respondent shall be assessed the hearing costs incurred by the Pollution Control Board. The hearing cost would be in addition to the \$1,000.00 fine.

If you acknowledge the violations cited hereinabove, the civil penalty shall be due and payable no later than September 15, 1995. If you do not petition the Pollution Control Board for review of the Administrative Citation within 35 days of service of the Administrative Citation, or contest the Citation, any judgment that

may be rendered against you shall specify the due date of the civil fine and any additional costs assessed against you.

When payment is made, your check should be made payable to the Jackson County's Treasurer Office and mailed to the attention of Shirley Dillinger Booker, Jackson County Treasurer, Murphysboro, Illinois, 62966. Also, please complete and return the enclosed remittance form, along with your payment, to assure proper credit.

If any civil penalty is not paid within the prescribed time, the law allows for the accumulation and payment of interest on the remaining unpaid balance. If any civil penalty is not paid when due, the Office of the State's Attorney shall be requested to initiate proceedings in Circuit Court to collect the penalty. In addition to the civil penalty, hearing costs, and interest, if any, the Jackson County State's Attorney may seek to recover their costs of litigation.

#### PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

You have the right to contest this Citation, pursuant to 415 ILCS 5/31.1. If you elect to contest this Citation, you must file a Petition For Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition For Review shall be filed with Daniel Brenner, Assistant State's Attorney, Jackson County Courthouse, Murphysboro, Il 62966. Your Petition For Review must be filed within 35 days of the date of service of the present citation on you. If you fail to file your Petition, a Default Order against you will entered by the Pollution Control Board.

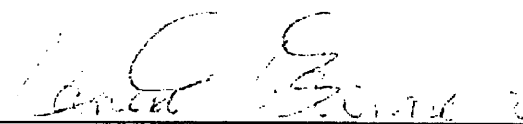
Your original Petition must be filed with the Clerk of the Board at:

Clerk  
Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601

A copy must also be sent to:

Office of the State's Attorney  
Daniel Brenner  
Assistant State's Attorney  
Jackson County Courthouse  
Murphysboro, Il 62966

DATED: Aug 7, 1995

  
\_\_\_\_\_  
Daniel Brenner  
Assistant State's Attorney  
County of Jackson

REMITTANCE FORM

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) NO. ~~82A~~ AC 96 -8  
 )  
 EASTON AUTOMOTIVE, )  
 )  
 Respondent. )

FACILITY: MURPHYSBORO/EASTON AUTOMOTIVE SITE  
COUNTY: JACKSON  
DATE OF INSPECTION: JUNE 30, 1995  
SITE CODE: 0778140027  
CIVIL PENALTY: \$1,000.00

Date Remitted \_\_\_\_\_  
SS/FEIN # \_\_\_\_\_  
Signature \_\_\_\_\_

NOTE

Please include the information on the blank lines. Mail this form with your check to:  
Illinois Environmental Protection Agency  
Attn. Fiscal Services  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Il 62794-9276