

ILLINOIS POLLUTION CONTROL BOARD
March 21, 2002

OGLE COUNTY,)
)
Complainant,)
)
v.) AC 02-38
) (Ogle County - 1418215002)
LAWRENCE and ELEANORA SANDAHL,) (Administrative Citation)
)
Respondents.)

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On February 1, 2002, Ogle County (County) timely filed an administrative citation against Lawrence and Eleanora Sandahl (Sandahls). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The People allege that the Sandahls violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(7) (2000)). The County further alleges that the Sandahls violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter and the deposition of construction or demolition debris. The complaint concerns the Sandahls' facility located at 6837 North Illinois Route 251, Scott Township, Ogle County. The administrative citation meets the content requirements of 35 Ill. Adm. Code 108.202(b).

As required, the County served the administrative citation on the Sandahls within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. 415 ILCS 31.1(d)(1) (2000); 35 Ill. Adm. Code 108.204(b), 108.406.

On March 13, 2002, the parties filed a stipulation and proposal for settlement. The County agrees to dismiss one count of the administrative citation, and the Sandahls agree to pay a civil penalty of \$1,500. The Board accepts the stipulation and proposed settlement.

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

ORDER

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Pursuant to the stipulated agreement, the Board finds that Lawrence and Eleanora Sandahl (Sandahls) violated Section 21(p)(1) of the Act and the County dismisses

the alleged violation of Section 21(p)(7) (415 ILCS 5/21(p)(1), (p)(7). Accordingly, the Sandahls must pay a civil penalty of \$1,500 no later than April 30, 2002. The Sandahls must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and the Sandahls' social security numbers or federal employer identification number must be included on the certified check or money order.

3. The Sandahls must send the certified check or money order to:

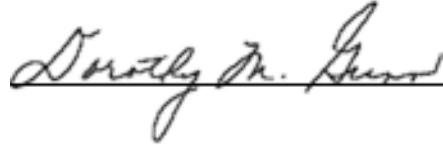
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 21, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board