

ILLINOIS POLLUTION CONTROL BOARD
December 21, 2000

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-11
)	(IEPA No. 469-00-AC)
WATERMAN EXCAVATING,)	(Administrative Citation)
)	
Respondent.)	

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

On November 1, 2000, the Illinois Environmental Protection Agency filed an administrative citation with the Board against Waterman Excavating (Waterman), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that Waterman caused or allowed open dumping resulting in litter and caused or allowed the deposition of debris at its facility located east of Nokomis, Montgomery County, Illinois in violation of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (1998)). The statutory penalty established for each violation is \$1,500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4-5) (1998).

Waterman has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that Waterman has violated the provisions of the Act alleged in the administrative citation, which is attached hereto. Since there are two such violations, the total penalty imposed is \$3,000.

It is hereby ordered that:

1. Waterman shall pay a civil penalty in the amount of \$3,000 within 30 days of the date of this order, that is, on or before January 20, 2001.
2. Payment shall be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number should also be included on the check or money order.
3. The check or money order and the remittance form shall be sent to:

Illinois Environmental Protection Agency

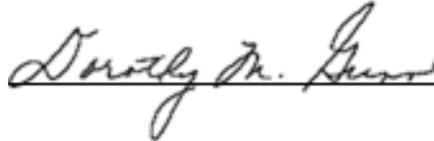
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order shall accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. 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 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 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 21st day of December 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board