

ILLINOIS POLLUTION CONTROL BOARD
August 6, 1998

COUNTY OF DUPAGE,)	
)	
Complainant,)	
)	
v.)	AC 97-13
)	(County Nos. 96 CD 494 & 96 SA 494)
M. SALEEM CHOUDHRY,)	(Administrative Citation)
)	
Respondent.)	

KEVIN D. MACK, DUPAGE COUNTY ASSISTANT STATE'S ATTORNEY, APPEARED ON BEHALF OF COMPLAINANT;

HARRY A. SCHROEDER, OF THE LAW OFFICE OF HARRY A. SCHROEDER, P.C., APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N. J. Melas):

This matter comes before the Board upon the August 29, 1996 filing of an administrative citation by complainant, the County of DuPage (County). The administrative citation alleges that on June 28, 1996, and July 10, 1996, respondent M. Saleem Choudhry (Choudhry) violated Section 21(p)(1) of the Environmental Protection Act (Act) by causing or allowing litter and Section 21(p)(4) of the Act by causing or allowing the deposition of waste in standing or flowing waters. 415 ILCS 5/21(p)(1) and (4) (1996).

On June 18, 1998, the Board entered an interim opinion and order finding that Choudhry violated the Act as alleged in the administrative citation. 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)). The Board also ordered the County and the Clerk of the Board to file affidavits of such costs with the Board and to serve the affidavits on Choudhry. The Board granted Choudhry 14 days from the date of his receipt of the affidavits to file a reply. The Board stated that it would thereafter issue a final order assessing the statutory penalty and assessing appropriate costs.

On June 22, 1998, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were \$1,270. The Clerk included proof of service on Choudhry of the same date by first class mail. Choudhry did not respond to the Clerk's affidavit.

On July 8, 1998, the County filed an affidavit stating that the County's hearing costs were \$1,379. The County included proof of service on Choudhry on the same date by first class mail. Choudhry did not respond to the County's affidavit.

The Board finds the costs reasonable. Accordingly, the Board orders Choudhry to pay the statutory penalty of \$500 for violating Section 21(p)(1) and \$500 for violating Section 21(p)(4), to pay the Board's hearing costs of \$1,270, and to pay the County's hearing costs of \$1,379.

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

ORDER

1. The Board finds that respondent M. Saleem Choudhry (Choudhry), violated Section 21(p)(1) and (4) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (4) (1996)) and assesses Choudhry the statutory penalty of \$500 for each violation, for a total civil penalty of \$1,000.
2. Choudhry must pay the \$1,000 penalty within 30 days of this order, by September 8, 1998. For this penalty, Choudhry must make one certified check or money order payable to the County of DuPage in the amount of \$1,000. Choudhry must send the certified check or money order by first class mail to:

DuPage County Treasurer
Attention: Dean Olson
DuPage County Solid Waste Department
421 N. County Farm Road
Wheaton, Illinois 60187

Choudhry must include the remittance form from the administrative citation and write the case name and number and his social security number on the certified check or money order.

3. Within 30 days of the date of this order, by September 8, 1998, Choudhry must reimburse the Board for its hearing costs in the amount of \$1,270 by certified check or money order made payable to the State of Illinois General Revenue Fund. Choudhry must send the payment by first class mail to:

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

Choudhry must write the case name and number and his social security number on the certified check or money order.

4. Within 30 days of the date of this order, by September 8, 1998, Choudhry must reimburse the County for its hearing costs in the amount of \$1,379 by certified

check or money order made payable to the DuPage County State's Attorney's Office. Choudhry must send the payment by first class mail to:

Mr. Kevin Mack
DuPage County State's Attorney's Office
505 N. County Farm Road
Wheaton, Illinois 60187

Choudhry must write the case name and number and his social security number on the certified check or money order.

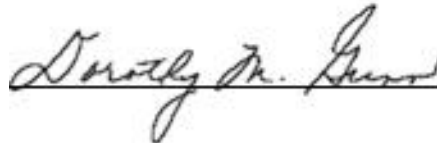
5. Penalties unpaid after the due dates will accrue interest pursuant to Section 42(g) of the Act (415 ILCS 5/42(g) (1996)).
6. Payment of this penalty does not prevent future prosecution if either violation continues.

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 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 opinion and order was adopted on the 6th day of August 1998 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