

ILLINOIS POLLUTION CONTROL BOARD  
July 23, 1998

COUNTY OF JACKSON, )  
 )  
 Complainant, )  
 )  
 v. ) AC 98-15  
 ) (Administrative Citation)  
 MICHAEL NOSOVITSKY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by R.C. Flemal):

This matter is before the Board on complainant's July 7, 1998, Motion for Order *Nunc Pro Tunc*. The motion is treated as a motion to change the order of the Board. The motion is hereby denied.

In the Board's June 4, 1998 order, page 2, item 2, the Board ordered respondent to pay a statutory civil penalty of \$500 on or before July 6, 1998. The Board further ordered respondent to make payment by certified check or money order payable to the Treasurer of the State of Illinois. In complainant's motion, complainant notes that the administrative citation stated that the fine was to be paid to the County Treasurer, Jackson County, Illinois, and not the Treasurer of the State of Illinois. Complainant asks the June 4, 1998 order be changed to reflect that payment be made to the County Treasurer, Jackson County.

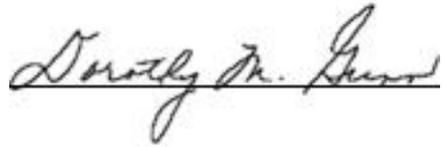
Complainant reports that respondent has already sent the \$500 payment to the State Treasurer, and not the County Treasurer. Because respondent has already complied with the Board order, the Board will not correct its June 4, 1998 order. The Board is hopeful that complainant and the Illinois Environmental Protection Agency can cooperate in this matter so that complainant may receive the portion of the penalty to which it is entitled.

The motion is denied.

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 of Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of July 1998 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board