

ILLINOIS POLLUTION CONTROL BOARD
February 1, 2001

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 01-20
) (IEPA No. 541-00-AC)
JOHN PRIOR and PRIOR OIL COMPANY,) (Administrative Citation)
)
Respondents.)

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

On December 18, 2000, the Illinois Environmental Protection Agency filed an administrative citation with the Board against John Prior and Prior Oil Company, pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that respondents caused or allowed open dumping resulting in litter and open burning at the facility located at 140 Gompers Street, Wamac, Washington County, Illinois, in violation of Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (1998)). The statutory penalty established for each violation is \$1,500 pursuant to Section 42(b)(4-5) of the Act. 415 ILCS 5/42(b)(4-5) (1998).

Respondents have 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 respondents have violated the provisions of the Act alleged in the administrative citation, which is attached hereto.

It is hereby ordered that:

1. Respondents must pay a civil penalty in the amount of \$3,000 within 30 days of the date of this order, that is, on or before March 3, 2001.
2. Payment must 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 respondents' 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 must be sent to:

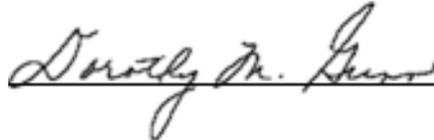
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order 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 violations continue.

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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1st day of February 2001 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