

ILLINOIS POLLUTION CONTROL BOARD
January 20, 2000

COUNTY OF WILL,)
)
 Complainant,)
)
 v.) AC 00-52
) WC 99 AC 07
 PLUM VALLEY NURSERY and TIM) (Administrative Citation)
 VAN BAREN,)
)
 Respondents.)

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

On November 29, 1999, the County of Will (complainant) properly and timely filed an administrative citation with the Board pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)), alleging that respondents violated Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1), 21(p)(3) (1998)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (1998).

In this matter, 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 alleged in the administrative citation, which is attached hereto. Since there are two such violations, the total penalty to be imposed is \$1,000.

It is hereby ordered that:

1. Respondents shall pay a total civil penalty in the amount of \$1,000, within 30 days of the date of this order.
2. Payment shall be made in the form of two separate certified checks or money orders. The first certified check or money order shall be made payable to the County of Will in the amount of \$500. The second certified check or money order shall be made payable to the Illinois Environmental Protection Trust Fund in the amount of \$500. The case number, case name, and respondents' social security numbers or federal employer identification numbers should also be included on the checks (or money orders).
3. The certified checks or money orders and the remittance form shall be sent to:

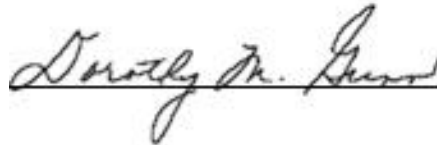
Will County Land Use Department
Waste Services Division
Attention: Joy Heinz, Environmental Enforcement Officer
313 North Chicago Street
Joliet, Illinois 60432

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 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 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 20th day of January 2000 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