

ILLINOIS POLLUTION CONTROL BOARD
March 2, 2000

WAYNE COUNTY HEALTH)	
DEPARTMENT,)	
)	
Complainant,)	
)	
v.)	AC 00-62
)	(County No. 01-99)
JOHN HEERN,)	(Administrative Citation)
)	
Respondent.)	

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

On December 20, 1999, the Wayne County Health Department (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)). On January 12, 2000 complainant filed a motion to amend the administrative citation. On January 18, 2000, complainant filed a second motion to amend the administrative citation which replaced the original filing. The Board granted complainant's second motion to amend its December 20, 1999 administrative citation. The second amended administrative citation alleges that respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (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, respondent 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 respondent has violated the provision alleged in the administrative citation, which is attached hereto. Since there is one such violation, the total penalty to be imposed is \$500.

It is hereby ordered that:

1. Respondent shall pay a total civil penalty in the amount of \$500, within 30 days of the date of this order.
2. Payment shall be made in the form of a certified check or money order, payable to the Wayne County Health Department. 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.

he certified check or money order and the remittance form shall be sent to:

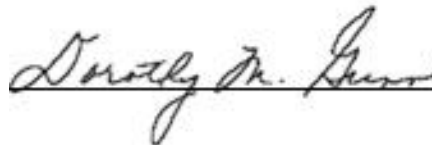
Gayla Vaughan
Wayne County Treasurer
Wayne County Courthouse
Fairfield, Illinois 62837

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 2nd day of March 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