

ILLINOIS POLLUTION CONTROL BOARD
April 11, 1991

ST. CLAIR COUNTY,)
)
 Complainant,)
)
 v.) AC 90-38 (Dockets A & B)
) (Docket No. 90-3 SC)
 HAROLD FULTS) (Administrative Citation)
 MILLSTADT/FULTS,)
)
 Respondent.)

ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board on a July 31, 1990 Motion to Withdraw Appeal filed by the respondent, Harold Fults. Respondent filed his petition for review with the Board on May 25, 1990. A hearing was held in this matter on July 31, 1990. The Board hereby grants respondent's motion to withdraw the petition for review. Pursuant to Section 31.1(d)(1) of the Environmental Protection Act ("Act"), the Board will adopt a final order with the finding of violations and imposition of penalties.

On May 17, 1990, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Agency ("Agency"). Service of the Administrative Citation was made upon the respondent on May 14, 1990. St. Clair County alleges that on March 21, 1990, the respondent, present operator of a facility located in the County of St. Clair, violated Sections 21(a)(1) and 21(a)(6) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

At hearing, the complainant agreed to drop the second count of this complaint with the respondent pleading guilty to the first count. As a result, the respondent withdrew his petition for review. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the respondent has violated the provisions alleged in count (1) of the Administrative Citation. Since there is only (1) such violation, the total penalty to be imposed is \$500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the Respondent shall, by certified check or money order payable to the County of St. Clair, pay a penalty in the amount of \$500.00 which is to be sent to:

Landfill Citation Fund
Paul Haas, County Collector
10 Public Square
Belleville, IL 62220.

For purposes of review, today's action constitutes final action on Docket A in this matter, dealing with the civil penalty for violation of Section 21 of the Act. The Clerk is hereby ordered to open Docket B in this matter pertaining to hearing costs pursuant to Section 42(b)(4) of the Act.

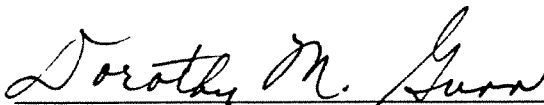
In addition to the above penalty, respondent shall pay any hearing costs incurred by the Board and the Agency. Therefore, within 30 days of this Order, St. Clair County shall file a statement of hearing costs with the Board, supported by affidavit and with service upon Mr. Fults. Within that same 30 days, the Clerk of the Pollution Control Board shall file a statement of the Board's costs, supported by affidavit and with service upon respondent. Such filings shall be entered in Docket B.

Respondent is hereby given leave to file a reply/objection to the filings as ordered above within 35 days of this Order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989 ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of April, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board