

ILLINOIS POLLUTION CONTROL BOARD
May 16, 2002

OGLE COUNTY,)	
)	
Complainant,)	
)	
v.)	AC 02-49
)	(County No. 1418210021)
LOREN AND MARY HART d/b/a)	(Administrative Citation)
ROLLING MEADOWS MOBILE HOME)	
PARK and JEFF HART,)	
)	
Respondents.)	

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

On March 29, 2002, the Ogle County (County) timely filed an administrative citation against Loren and Mary Hart d/b/a Rolling Meadows Mobile Home Park and Jeff Hart (Harts). *See* 415 ILCS 5/31.1(c) (2000); 35 Ill. Adm. Code 108.202(c). The County alleges that the Harts violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000)). The County further alleges that the Harts violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter, open burning, and deposition of construction or demolition debris at a mobile home park located at 4989 N. US Route 251, Davis Junction, Ogle County. The administrative citation meets the content requirements of 35 Ill. Adm. Code 108.202(b).

As required, the County served the administrative citation on the Harts within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000); *see also* 35 Ill. Adm. Code 108.202(b). To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violation alleged and impose the corresponding civil penalty. 415 ILCS 31.1(d)(1) (2000); 35 Ill. Adm. Code 108.204(b), 108.406.

On May 8, 2002, the parties filed a stipulation and proposal for settlement; on May 13, 2002, they filed an amended stipulation. The County agrees to dismiss the alleged violations of Sections 21(p)(1) and (p)(7) of the Act, and the parties agree that the Harts shall pay a civil penalty of \$1,500 for a violation of Section 21(p)(3). The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board’s findings of fact and conclusions of law.

ORDER

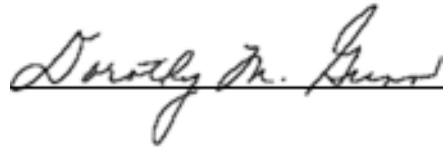
1. The Board accepts and incorporates by reference the stipulation and proposed settlement. The alleged violations of Sections 21(p)(1) and (p)(7) of the Act are dismissed at the County's request.
2. Pursuant to the stipulated agreement, the Board finds that Loren and Mary Hart d/b/a Rolling Meadows Trailer Park and Jeff Hart (Harts) violated Section 21(p)(3) of the Act, and must pay a civil penalty of \$1,500 no later than June 3, 2002.
3. The Harts must pay the civil penalty by certified check or money order, made payable to the Ogle County Solid Waste Fund. The number, case name, and the Harts' social security numbers or federal employer identification numbers must be included on the certified check or money order.
4. The Harts must send the certified check or money order and the remittance form to:

Ogle County Treasurer's Office
Ogle County Courthouse
Oregon, Illinois 61061
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).
6. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on May 16, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board