

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1991

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 89-72 (Dockets A & B)
) (IEPA Case No. 9568-AC)
) (Administrative Citation)
CITY OF WEST FRANKFORT, an)
Illinois Municipal corp.,)
)
Respondent.)

ORDER OF THE BOARD BY (J. C. Marlin):

This matter comes before the Board on a June 17, 1991 motion to withdraw petition for review filed by respondent, City of West Frankfort (City). In support of its motion the City states that it "desires to withdraw its Petition for Review and not contest the administrative citation issued herein."

The City's motion to withdraw is hereby granted.

On April 13, 1989, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon the City on April 12, 1989. The Agency alleges that the City violated Sections 21(q)(1) and 21(q)(3) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Respondent has withdrawn its petition for review. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the City has violated each and every provision alleged in the Administrative Citation. Since there are two (2) violations, the total penalty to be imposed is \$1,000.00.

ORDER

1. Respondent is hereby found to have been in violation of Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, pars. 1021(q)(1) and (3).
2. Within 45 days of the date of this Order the City shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000.00 which is to be sent to:

Illinois Environmental Protection Agency

Fiscal Services Division
2200 Churchill Road
Springfield, IL. 62706.

Respondent shall include the remittance form and write the case name and number and its social security or federal Employer Identification Number on the certified check or money order.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003), from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal, during which payment of the penalty is stayed.

3. Docket A in this matter is closed.


4. Within 30 days of the Order, the Agency shall file a statement of its hearing costs, supported by an affidavit, with the Board and with service upon Respondent. Within the 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 in this matter.

5. Respondent is hereby given leave to file a reply/objection to the filings as ordered in paragraph 3 of this Order within 45 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 20th day of June, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board