

ILLINOIS POLLUTION CONTROL BOARD
September 5, 1996

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 96-56
) (Administrative Citation)
 JAMES QUALLS,)
)
 Respondent.)

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board upon the June 24, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the County of Jackson (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon James Qualls (Qualls) on July 2, 1996. The County alleges that on May 22, 1996, Qualls, present owner and/or operator of a facility located in Jackson County and commonly known to the County as Campbell Hill/James Qualls Tire site, violated Sections 21(p)(1), 21(p)(2), and 21(p)(5) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Qualls has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds Qualls has violated the provisions alleged in the administrative citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, Qualls shall, by certified check or money order payable to the Jackson County Treasurer, pay a penalty in the amount of \$1,500.00, which is to be sent to:

Shirley Dillinger Booker
Jackson County Treasurer
Murphysboro, Illinois 62966

2. 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.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Act.

4. 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 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board