

ILLINOIS POLLUTION CONTROL BOARD  
January 25, 1990

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
 )  
v. ) AC 89-138 (Docket A & B)  
 ) (IEPA Docket No. 9698-AC)  
 ) (Administrative Citation)  
DR. JOHN DONOVAN, )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon oral motion by Respondent Dr. John Donovan (Donovan) to withdraw his Petition for Review, said oral Motion having been made at hearing held upon this matter on October 26, 1989 by Respondent's Attorney. Because Respondent Donovan has withdrawn his Petition for Review this matter proceeds as a default at hearing.

On June 28, 1989 an Administrative Citation pursuant to Section 31.1 of the Act was filed with the Board by the Environmental Protection Agency (Agency). The Agency alleges that Donovan violated Section 21(q)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act. On July 21, 1989 the firm of Barber, Segatto, Hoffel and Hines, by Randall W. Segatto, entered their appearance on behalf of Respondent and petitioned the Board for review of the Administrative Citation. Service was not contested.

Respondent Donovan has now withdrawn his Petition for Review with the Board. Therefore, pursuant to Section 31.2 of the Act, the Board finds that Donovan has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order, Donovan shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

For purposes of review, today's action (Docket A) constitutes the Board's final action on the matter of the civil penalty.

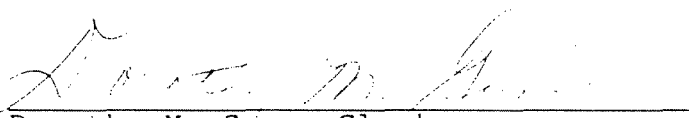
In addition to the above, within 30 days of this Order, the Illinois Environmental Protection Agency shall file a statement of hearing costs with the Board, supported by affidavit and with service upon Dr. John Donovan. Within that same 30 days, the Clerk of the Pollution Control Board shall file a statement of the Board's costs, supported by affidavit and with service upon Dr. John Donovan. Such filings shall be entered in Docket B of this matter.

Respondent is hereby given leave to file a reply/objection to the filings as ordered above within 45 days of this Order.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 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 25<sup>th</sup> day of January, 1990, by a vote of 7-0.

  
 Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board