

ILLINOIS POLLUTION CONTROL BOARD
November 16, 1995

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 95-25
) (IEPA Docket No. 177-95-AC)
) (Administrative Citation)
)
FRED SMITH, JR.,)
)
Respondent.)

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

This matter is before the Board on a motion to withdraw, filed by respondent Fred Smith, Jr., on November 1, 1995. Respondent seeks to withdraw his petition for review. The motion to withdraw is granted.

This administrative citation was filed on March 29, 1995, by the Illinois Environmental Protection Agency (Agency) pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act). The citation alleges that Fred Smith, Jr. is the owner and/or operator of an open dumping facility located in Macoupin County, Illinois, commonly known as Carlinville/Smith, and designated with Agency Site Code No. 1178170002. On the basis of direct observations by Agency inspector John Senjan, the Agency determined that John Smith, Jr. has caused or allowed litter to accumulate in violation of 415 ILCS 5/21(p)(1)(1994). The statutory penalty established for these violations is \$500 each, pursuant to Section 42(b)(4) of the Act.

Pursuant to Section 31.1(d)(1), the Board finds that respondent, John Smith, Jr., has violated the provisions alleged in the administrative citation, and is subject to a \$500 penalty.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, John Smith, Jr. shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$500, which is to be sent to:

Fiscal Services
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, Illinois 62794-9276

- 2. Respondent shall include the remittance form and write the case name and number, as well as 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 Environmental Protection 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 appeal of final orders of the Board within 35 days. 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 _____, 1995, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control

Board