

ILLINOIS POLLUTION CONTROL BOARD

August 8, 2002

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 02-39
)	(IEPA No. 557-01-AC)
JEREL CHILDERS,)	(Administrative Citation)
)	
Respondent.)	
)	

OPINION AND ORDER OF THE BOARD (by T.E. Johnson):

On February 11, 2002, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Jerel Childers (Childers). *See* ILCS 5/31.1(c) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 108.202(c). The Agency alleges that Childers violated Section 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) and (p)(7) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). The Agency further alleges that Childers violated these provisions by causing or allowing the open dumping of waste in a manner resulting in litter, open burning and deposition of general construction or demolition debris or clean construction or demolition debris at 748 Mt. Mission Road, Metropolis, Massac County.

As required, the Agency served the administrative citation on respondent within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 108.202(b). On April 18, 2002, the Board accepted Childers’ petition to contest the administrative citation filed on March 18, 2002. *See* 415 ILCS 5/31.1(d) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 108.204(b).

On July 22, 2002, the parties filed a stipulation of settlement and dismissal of respondent’s petition for administrative review. Pursuant to the terms of the proposed settlement, Childers admits the violation of Section 21(p)(1) of the Act and agrees to pay the statutory civil penalty of \$1,500. The Board accepts the stipulation and proposed settlement. The stipulation and proposal for settlement does not dispose of the alleged violations of 21(p)(3) and (p)(7) of the Act. The Board dismisses these charges to effectuate the parties’ intent that Childers pay a total penalty of \$1,500.

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

ORDER

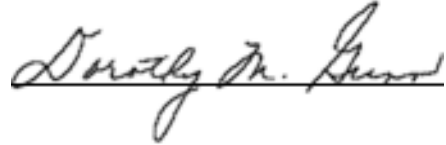
1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that Jerel Childers violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002, and must pay a civil penalty of \$1,500 no later than September 15, 2002, unless the penalty has already been paid. The Board dismisses the alleged violations of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(7) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002).
3. Jerel Childers' petition to contest the administrative citation is dismissed.
4. Jerel Childers must pay the civil penalty by certified check or money order, made payable to The Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The number, case name, and Jerel Childers' social security number or federal employer identification number must be included on the certified check or money order.
5. Jerel Childers must send the certified check or money order to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O Box 19276
Springfield, Illinois 62794-9276
6. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).

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) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 101.3000(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 August 8, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board