

ILLINOIS POLLUTION CONTROL BOARD

September 21, 2000

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. )  
 ) AC 01-7  
 BILL WALLACE d/b/a WALLACE SANITATION, ) (IEPA No. 363-00-AC)  
 ) (Administrative Citation)  
 Respondent. )  
 )  
 )

ORDER OF THE BOARD (by C.A. Manning):

On August 14, 2000, the Illinois Environmental Protection Agency filed an administrative citation with the Board against Bill Wallace d/b/a Wallace Sanitation (Wallace), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that Wallace caused or allowed open dumping in a manner resulting in litter, caused or allowed open dumping resulting in open burning, and caused or allowed the deposition of construction or demolition debris at its facility located in Hardin County, Illinois in violation of Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(5), (p)(7) (1998)). The statutory penalty established for each violation is \$1,500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (1998).

Wallace has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that Wallace has violated the provisions of the Act alleged in the administrative citation, which is attached hereto. Since there are three such violations, the total penalty imposed is \$4,500.

It is hereby ordered that:

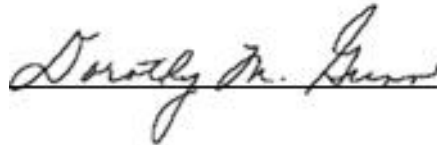
1. Wallace shall pay a civil penalty in the amount of \$4,500 within 30 days of the date of this order, that is, on or before October 21, 2000.
2. Payment shall be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number should also be included on the check or money order.
3. The check or money order and the remittance form shall be sent to:  

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid after 30 days of the date of this order shall accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; 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 21st day of September 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board