

ILLINOIS POLLUTION CONTROL BOARD
October 20, 2005

COUNTY OF OGLE,)
)
Complainant,)
)
v.) AC 06-8
) (Site Code 1418175004-Ogle)
TOMMY RAY RAMANDO d/b/a OREGON) (Administrative Citation)
IRON METAL RECLAIMERS, INC.,)
)
Respondent.)
)

OPINION AND ORDER OF THE BOARD (by J.P. Novak):

On September 2, 2005, the County of Ogle timely filed an administrative citation against Tommy Ray Ramando, d/b/a Oregon Iron Metal Reclaimers, Inc.. *See* 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The County of Ogle alleged that on June 29, 2005 Tommy Ray Ramando violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (p)(7) (2004)). The County of Ogle further alleges that Tommy Ray Ramando violated this provision these provisions by causing or allowing the open dumping of waste in a manner that resulted in (1) litter; and (2) deposition of general construction or demolition debris or clean construction or demolition debris at 1192 East Illinois Route 64, Oregon, Ogle County.

As required, the County of Ogle served the administrative citation on Tommy Ray Ramando within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2004); *see also* 35 Ill. Adm. Code 108.202(b). To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. 415 ILCS 5/31.1(d)(1) (2004); 35 Ill. Adm. Code 108.204(b), 108.406. Here, any petition for review was due on September 29, 2005. Tommy Ray Ramando failed to timely file a petition. Accordingly, the Board finds that Tommy Ray Ramando violated Section 21(p) of the Act.

The civil penalty for violating Section 21(p) is \$1,500 for a first offense and \$3,000 for a second or subsequent offense. 415 ILCS 5/42(b)(4-5) (2004); 35 Ill. Adm. Code 108.500(a). Because there are two violations of Section 21(p) and these violations are first offenses, the total civil penalty is \$3,000. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

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

ORDER

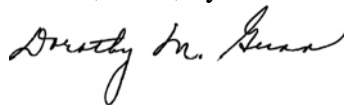
1. The Board finds that Tommy Ray Ramando violated Sections 21(p)(1) and (p)(7) of the Act as alleged. Tommy Ray Ramando must pay a civil penalty of \$3,000 no later than November 21, 2005, which is the first business day after the 30th day after the date of this order.
2. Tommy Ray Ramando must pay the civil penalty by certified check or money order, made payable to the Ogle County Solid Waste Fund. The case number, case name, and Tommy Ray Ramando's social security number or federal employer identification number must be included on the certified check or money order.
3. Tommy Ray Ramando must send the certified check or money order and the remittance form to:

John Coffman, Ogle County Treasurer
Ogle County Courthouse
Oregon, Illinois 61061
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

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) (2004); *see also* 35 Ill. Adm. Code 101.300(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 October 20, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board