

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 1999

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 99-42
	)	(IEPA No. 129-99-AC)
FRED and ANNE HOOD,	)	(Administrative Citation)
	)	
Respondents.	)	

OPINION AND ORDER OF THE BOARD (by N. J. Melas):

On April 12, 1999, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board naming Fred and Anne Hood as respondents. The administrative citation was filed in response to observed violations of the Environmental Protection Act (Act) that occurred during an Agency inspection on February 16, 1999, at the Mt. Olive/Hood facility in Macoupin County, Illinois.

The administrative citation alleges that respondents owned and/or operated the Mt. Olive/Hood facility as an open dump and that the open dump was operating without an Agency-issued operating permit. It alleges that respondents caused or allowed litter in violation of Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (1996). The administrative citation also alleges that respondents caused or allowed open burning in violation of Section 21(p)(3) of the Act. 415 ILCS 5/21(p)(3) (1996).

On May 13, 1999, respondents filed a petition for review with the Board, and the Board accepted this matter for hearing on May 20, 1999.

On June 11, 1999, the parties filed a "Joint Stipulation of Settlement and Dismissal of Respondents' Petition for Administrative Review" (stipulation). In the stipulation, respondents admit the alleged violation of Section 21(p)(1) of the Act and agree to pay a civil penalty of \$500. In consideration of respondents' admission that they violated Section 21(p)(1), the Agency dismisses the alleged violation of Section 21(p)(3). Respondents and the Agency agree that, contingent on the Board's acceptance and adoption of the terms and conditions of the stipulation, the administrative citation and the petition for review shall be dismissed. The Board accepts the stipulation filed by the parties in this matter.

Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1996)) authorizes the Board to impose a civil penalty pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)) for a violation of the Act as alleged in an administrative citation. This opinion constitutes the Board's findings of fact and conclusion of law in this matter.

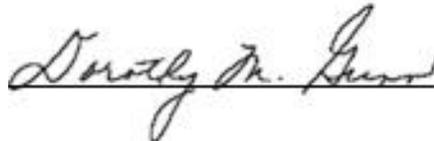
ORDER

1. The Board finds that respondents Fred and Anne Hood caused or allowed litter in violation of 415 ILCS 5/21(p)(1) (1996).
2. Respondents shall pay the sum of \$500 by May 1, 2000. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number and case name shall be included on the check (or money order). In addition, the social security numbers for Fred Hood and Anne Hood shall also be included on the check (or money order). The check (or money order) should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check (or money order) shall be sent by first class mail to:  
  
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days 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 opinion and order was adopted on the 17th day of June 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board