

ILLINOIS POLLUTION CONTROL BOARD
March 20, 1997

COUNTY OF VERMILION,)	
)	
Complainant,)	
)	
v.)	AC 97-45
)	(County No. 96-05)
ELVIS FORD,)	(Administrative Citation)
)	
Respondent.)	

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

This matter comes before the Board upon the December 20, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the County of Vermilion (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Elvis Ford.¹ The County alleges that on November 18, 1996 Emery Johnson, present owner and/or operator of a facility located in Vermilion County and commonly known to the County as tract number DOR 864D, violated Sections 21(p)(1) and 21(p)(3) of the Act. The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act.

Elvis Ford has not filed a petition for review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(1) of the Act. Therefore, the Board finds Elvis Ford has violated the provisions alleged in the administrative citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, Elvis Ford shall, by certified check or money order payable to the County of Vermilion, pay a penalty in the amount of \$1,000, which is to be sent to:

County of Vermilion
Department of Health
200 South College Street
Danville, Illinois 61832

¹ Complainant's letter of March 7, 1997 states that the exact date of service cannot be verified because the "post office failed to notice (sic) the date of service on the 'green' card. However the citation was mailed on December 18, 1996. We forwarded the card to you on February 18, 1997. More than 30 days have passed since the transmittal of the signed return receipt card."

2. Respondent shall include the remittance form and write the case name and number and its 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 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 the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. 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 _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board