

ILLINOIS POLLUTION CONTROL BOARD  
September 18, 1997

COUNTY OF WILL,	)	
	)	
Complainant,	)	
	)	AC 97-41
v.	)	(WC 96 AC 22)
	)	(Administrative Citation)
UTILITIES UNLIMITED, INC., and	)	
CHARLES PETREKIS, SR. d/b/a	)	
UTILITIES UNLIMITED, INC.,	)	
	)	
Respondents.	)	

DAWN UNDERHILL, ASSISTANT STATE'S ATTORNEY, APPEARED ON BEHALF OF THE COUNTY OF WILL; and CHARLES PETREKIS, SR. APPEARED *PRO SE*.

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board on an administrative citation filed by the County of Will (County) against respondents Utilities Unlimited, Inc. and Charles Petrekis doing business as Utilities Unlimited, Inc. (respondents or Petrekis). The citation alleges that on October 25, 1996, respondents violated Sections 21(p)(1) and 21(p)(3) of the Act by causing or allowing open dumping and open burning at the facility on Leslie Lane in Will County, Illinois.

Under Section 31.1 of the Act, 415 ILCS 5/31.1(1996), Petrekis filed a petition for review with the Board on December 19, 1996. A hearing on the administrative citation was held on May 9, 1997.

On July 24, 1997, the Board entered an interim opinion and order finding that Petrekis had violated Sections 21(p)(1) and 21(p)(3) of the Act. The Board also found that the County and the Board were entitled to hearing costs under Section 42(b)(4) of the Act, and ordered the County and the Clerk of the Board to file affidavits of such costs with the Board and to serve the affidavits upon Petrekis. The Board granted Petrekis 14 days from the date of his receipt of the affidavits to file a reply. The Board stated that it would issue a final order assessing the statutory penalty and assessing appropriate costs no earlier than 40 days after April 17, 1997.

On August 4, 1997, the Clerk of the Board filed an affidavit of costs stating that the Board's hearing costs were \$357. The Clerk also filed proof that it had served the affidavit on Petrekis on April 23, 1997. The County did not seek its hearing costs.

The only filing received by the Board from Petrekis was a September 17, 1997 letter stating that the respondent utility company is not in a financial position to pay the penalty and “[w]e have no money to install fences at this time” to protect its property from dumping or littering by unknown persons. Petrekis requests the Board to “[p]lease reconsider”. The Board construes this letter as a motion for reconsideration of its July 24, 1997 interim opinion and order.

In ruling on a motion for reconsideration the Board is to consider factors including, but not limited to, error in the previous decision and facts in the record which are overlooked. 35 Ill. Adm. Code 101.246(d). The intended purpose of a motion for reconsideration is to bring to the court’s attention newly-discovered evidence which was not available at the time of hearing, changes in the law or errors in the court’s previous application of the existing law. Citizens Against Regional Landfill v. The County Board of Whiteside (March 11, 1993), PCB 93-156; Korogluyan v. Chicago Title & Trust Co., 213 Ill. App. 3d 622, 572 N.E.2d 1154 (1<sup>st</sup> Dist. 1992).

The motion to reconsider does not contain any information which points to an error in the decision or to facts in the record which were overlooked by the Board. Therefore, the motion to reconsider is denied.

Again, respondents do not challenge the amount of the hearing costs, only their ability to pay. The Board hereby finds the hearing costs reasonable. Accordingly, the Board orders respondents to pay a penalty of \$1,000 for violation of Sections 21(p)(1) and 21(p)(3) of the Act and to pay the Board’s hearing costs in the amount of \$357.

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

#### ORDER

1. The Board finds that Utilities Unlimited, Inc. and Charles Petrekis, doing business as Utilities Unlimited, Inc. (Petrekis) has violated Sections 21(p)(1) and 21(p)(3) of the Act, 415 ILCS 5/21(p)(3) (1996) and assesses Petrekis a penalty of \$1,000.
2. Within 30 days of the date of this order, Petrekis shall pay to the County of Will a penalty in the amount of \$1,000 by certified check or money order made payable to the County of Will. Petrekis shall send the payment to:

Will County Land Use Department  
Solid Waste Division  
Attn: Julie Juntunen, Environmental Enforcement Officer  
501 Ella Avenue  
Joliet, IL 60433

Petrekis 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. Within 45 days of the date of this order, Petrekis shall reimburse the Board for its hearing costs in the amount of \$357 by certified check or money order made payable to the State of Illinois, designated for deposit to the General Revenue Fund. Petrekis shall send the payment by First Class Mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
Springfield, IL 62702

Petrekis shall include the remittance form and write the case name and number and his social security or federal employer identification number on the certified check or money order.

4. Penalties and costs unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
5. Payment of this penalty does not prevent future prosecution if violations continue.

This docket is hereby closed.

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 145 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 18th day of September 1997, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board