

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1997

COUNTY OF JACKSON,)
)
Complainant,)
) AC 96-58
v.) (Administrative Citation)
)
GARY EASTON,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

This matter involves an Administrative Citation filed by the County of Jackson (County) pursuant to the Illinois Environmental Protection Act (Act). (415 ILCS 5/1 *et seq.* (1994).) The citation was issued on June 21, 1996 and alleged that on May 22, 1996, respondent Gary Easton (Easton) was in violation of several sections of the Act, specifically: Section 21(p)(1), causing or allowing litter to be collected or dumped; Section 21(p)(2), causing or allowing scavenging at the site; Section 21(p)(5), causing or allowing proliferation of disease vectors; and Section 21(p)(6), causing or allowing standing or flowing liquid to be discharged from the site.

Hearing was held on November 6, 1996 in Murphysboro, Illinois. On December 19, 1996, the Board issued an interim opinion and order finding that the cited violations had occurred and imposed a penalty of \$2,000.00. The Board also directed the Clerk of the Board and the County to file affidavits declaring their hearing costs. On December 26, 1996, the Clerk of the Board filed an affidavit stating that the Board's hearing costs were one hundred, fifty-two dollars and twenty-five cents (\$152.25). County did not submit an affidavit of hearing costs.

On April 17, 1997 the Board issued an opinion and order directing Easton to pay the hearing costs but omitted directing Easton to pay the penalty. The order below corrects the omission. In sum, the Board finds that Easton violated Sections 21(p)(1), 21(p)(2), 21(p)(5) and 21(p)(6) of the Act. Pursuant to Section 42(b)(4), any person found to have violated any provision of subsection (p) of the Act shall pay a civil penalty of \$500 for each provision, plus hearing costs. (415 ILCS 5/42(b)(4) (1994).) Since the Board has found four such violations, the penalty to be assessed against respondent is \$2,000.00. The Board further finds the Board's hearing costs to be reasonable and directs respondent to pay \$152.25 as compensation for the Board's hearing costs.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondent, Gary Easton, is hereby found to have violated 415 ILCS 5/21(p)(1), 21(p)(2), 21(p)(5), and 21(p)(6) on May 22, 1996 for the reasons expressed in the Board's interim opinion and order dated December 19, 1996.
2. Within 45 days of this Order respondent shall, by certified check or money order, pay a civil penalty, if not already paid, in the amount of two thousand dollars (\$2,000) payable to the Jackson County Treasurer, which shall be sent by First Class mail to:

Shirley Dillinger Booker
Jackson County Treasurer
Murphysboro, Illinois 62966

3. It is hereby ordered that within 45 days of the date of this order, respondent shall, by certified check or money order payable to the State of Illinois, designated for deposit to the General Revenue Fund, pays as compensation for hearing costs incurred by the Board, the amount of one hundred, fifty-two dollars and twenty-five cents (\$152.25) which is to be sent by First Class mail to:

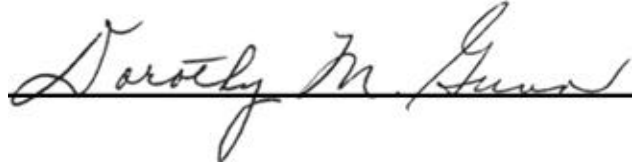
Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

4. Respondent shall write the case name and number and social security or Federal Employer Identification Number on each certified check or money order.
5. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
6. The Board hereby closes the docket in this matter.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders 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 opinion and order was adopted on the 15th day of May, 1997, by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board