

ILLINOIS POLLUTION CONTROL BOARD
July 8, 1998

COUNTY OF LASALLE,)
)
Complainant,)
)
v.) AC 98-33
) (Administrative Citation)
MIKE and JANET BROWN)
(Brown Property),)
)
Respondents.)

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

This matter comes before the Board upon the May 26, 1998 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1996)) by the County of LaSalle (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Mike and Janet Brown (respondents) on May 19, 1998. The County alleges that on March 23 and 24, 1998, and April 9, 1998, respondents, present owner and/or operator of a facility located in LaSalle County and commonly known to the County as Brown Property, violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (1996)).¹ The statutory penalty established for this violation is \$500 pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)).

Respondents have 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 respondents have violated the provisions alleged in the administrative citation. Since there is one such violation, the total penalty to be imposed is set at \$500.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondents shall, by certified check or money order payable to the LaSalle County Department of Environmental Services and Land Use, pay a penalty in the amount of \$500, which is to be sent to:

LaSalle County Department of
Environmental Services and Land Use
119 West Madison
Room 400
Ottawa, Illinois 61350

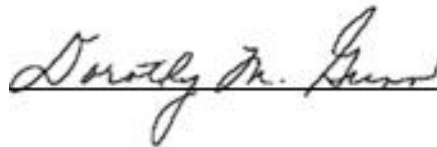
¹ A companion administrative citation arising out of the same inspection was filed against an employee or contractor of the Browns, Tom Dickey. See County of LaSalle v. Tom Dickey (July 8, 1998), AC 98-32.

2. Respondents shall include the remittance form and write the case name and number and their social security or federal employer identification numbers 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. 415 ILCS 5/42(g) (1996).
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 (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 order was adopted on the 8th day of July 1998 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board