

ILLINOIS POLLUTION CONTROL BOARD
February 3, 2000

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 00-16
)	(IEPA No. 428-99-AC)
OLEN G. PARKHILL,)	(Administrative Citation)
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by E.Z. Kezelis):

This matter is before the Board on an administrative citation filed by the Illinois Environmental Protection Agency (Agency) on September 7, 1999. In the administrative citation, the Agency alleges that the respondent Olen G. Parkhill (Parkhill), violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (3) (1998)). The Agency alleges that the violations occurred at a Champaign County, Illinois facility.

On October 16, 1999, Parkhill filed a petition for review of the administrative citation. After apparent negotiations with the Agency, Parkhill did, on January 5, 2000, submit an unsigned and undated letter, in which he states that he wishes to withdraw his petition for review and that he intends to pay the fine imposed in the administrative citation. On January 24, 2000, the Agency responded with a motion to dismiss the petition for review. In its motion, the Agency confirms that Parkhill has paid the statutory civil penalty. Additionally, the Agency confirms that during a meeting on November 24, 1999, Parkhill expressed his desire to resolve this matter by paying the statutory penalty and withdrawing his petition for review.

For purposes of this opinion and order, the Board treats Parkhill's January 5, 2000 correspondence as a motion to withdraw. The Board grants both parties' motions. Pursuant to Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1998)), the Board finds that Parkhill violated the provisions alleged in the administrative citation, and finds that the appropriate penalty pursuant to Section 42(b)(4) of the Act is \$1,000.00. See 415 ILCS 5/42(b)(4) (1998).

ORDER

1. Olen G. Parkhill's (Parkhill) petition for review is hereby dismissed.
2. The Board finds that Parkhill violated Sections 21(p)(1) and 21(p)(3) of the Illinois Environmental Protection Act (415 ILCS 5/21(p)(1), (3) (1998)).

3. It is hereby ordered that, unless the penalty has already been paid,¹ within 30 days of the date of this order, Parkhill must, by certified check (or money order) pay a penalty in the amount of \$1,000.00. The certified check (or money order) must be payable to the Illinois Environmental Protection Trust Fund, and must be sent to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

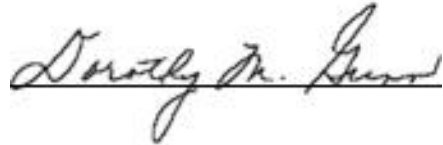
4. The certified check or money order must clearly indicate on its face the case name and number and Parkhill's social security or federal employer identification number.
5. Any such penalty not paid within the time prescribed will incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1998)), as now or hereafter amended. Interest shall accrue from the date payment is due until the date payment is received.
6. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date 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.

¹ Pursuant to the Agency's motion, the Board has every reason to believe that the penalty has already been paid.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 3rd day of February 2000 by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board