

ILLINOIS POLLUTION CONTROL BOARD

February 3, 2000

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 00-56
)	(IEPA Docket No. 607-99-AC)
TOM ZANG,)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by M. McFawn):

On December 8, 1999, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board, citing respondent Tom Zang for two violations of the Illinois Environmental Protection Act (Act), 415 ILCS 5 (1998). The Agency asserts that Zang violated: (1) Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (1998), by causing or allowing open dumping of waste in a manner resulting in litter, and (2) Section 21(p)(7)(i) of the Act, 415 ILCS 5/21(p)(7)(i) (1998), as amended by Pub. Act 91-72, eff. July 9, 1999, by causing or allowing open dumping of waste in a manner resulting in the deposition of general construction or demolition debris. Zang contested the citation in a letter received by the Board on January 3, 2000. By an order adopted on January 6, 2000, the Board accepted this matter for hearing.

On January 26, 2000, the parties to this administrative citation proceeding filed a "Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review." In the joint stipulation, Zang admits committing the violation of Section 21(p)(1) of the Act and agrees to pay the statutory penalty of \$500. See 415 ILCS 5/42(b)(4) (1998). The Agency for its part agrees to dismiss the alleged violation of Section 21(p)(7)(i). The parties have agreed that payment will not be due until December 1, 2000.

The parties' purpose in filing their joint stipulation is to resolve this matter without the need for a hearing. Joint Stipulation at 2. Section 31.1(d)(2) of the Act, 415 ILCS 5/31.1(d)(2) (1998), provides that a hearing is to be held when an administrative citation is contested. In order to avoid a hearing in a contested administrative citation case, the respondent must withdraw his request for review of the citation, or the complainant must voluntarily dismiss the citation. The Board will construe the parties' joint stipulation as a motion by the respondent to withdraw the petition for review of the citation with respect to the violation of Section 21(p)(1), and a motion by the Agency to dismiss the citation with respect to the violation of Section 21(p)(7)(i). The Board grants these motions.

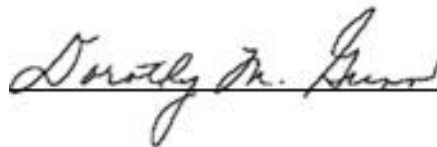
Based on the foregoing discussion, it is hereby ordered that:

1. Respondent has violated Section 21(p)(1) of the Act.
2. The alleged violation of Section 21(p)(7)(i) of the Act is dismissed.
3. Respondent must pay a civil penalty in the amount of \$500 on or before December 1, 2000.
4. Payment must be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number should be included on the check or money order.
5. The check or money order must be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
6. Penalties unpaid after December 1, 2000, will accrue interest pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (1998).
7. Payment of this penalty does not prevent future prosecution for subsequent violations.

IT IS SO ORDERED.

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



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board