

ILLINOIS POLLUTION CONTROL BOARD

October 5, 2000

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
) AC 00-87
 OLEN G. PARKHILL, JR.,) (IEPA No. 281-00-AC)
) (Administrative Citation)
 Respondent.)
)

OPINION AND ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On June 28, 2000, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Olen G. Parkhill, Jr. (Parkhill), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The Agency alleges that Parkhill violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (1998)), by allowing open dumping resulting in litter, allowing open burning, and allowing the deposition of debris at Parkhill's facility located in Champaign County, Illinois. On July 28, 2000, Parkhill filed a petition for review of the administrative citation, which the Board accepted for hearing on August 10, 2000.

On September 21, 2000, the parties submitted a "Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review." Pursuant to the terms of the joint stipulation of settlement, Parkhill admits violating Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), but denies violating Sections 21(p)(3) and 21(p)(8) of the Act (415 ILCS 5/21(p)(3), (p)(7) (1998)). Parkhill agrees to pay a \$1,500 penalty. Additionally, Parkhill moves to dismiss the petition for review.

The Board grants the motion and hereby dismisses Parkhill's petition for review. Pursuant to Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1998)), the Board finds that Parkhill violated 415 ILCS 5/21(p)(1) as alleged in the administrative citation. The statutory penalty established for such a violation is \$1,500 pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4-5) (1998)). Since there is one violation, the total penalty is \$1,500.

ORDER

1. Parkhill's petition for review is hereby dismissed.
2. The Board finds that Parkhill violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1)).
3. It is hereby ordered that Parkhill must, by certified check or money order, pay a penalty in the amount of \$1,500, by no later than January 1, 2001. The certified check or money order must be payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and must be sent to:

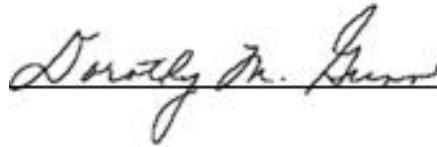
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. The certified check or money order must clearly indicate on its face the case name and number and federal employer identification number.
5. Parkhill must cease and desist from further violation of the Act and Board regulations.
6. The Board dismisses the alleged violations of Sections 21(p)(3) and 21(p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(7) (1998)).

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.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 5th day of October 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board