

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1994

SANGAMON COUNTY,)
)
 Complainant,)
)
 v.) AC 94-23
) (SCDPH-94-AC-7)
) (Administrative Citation)
 HALVERSON CONSTRUCTION)
 COMPANY, INC.,)
)
 Respondent.)

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

This matter comes before the Board upon the April 18, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Sangamon County. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Halverson Construction Company, Inc. on March 18, 1994. The County alleges that on January 24, 1994, Halverson Construction Company, Inc., present owner and/or operator of a facility located in Logan County and commonly known to the County as Clearlake Twp./Halverson Construction-I-72, violated Sections 21(p)(1) and 21(p)(3) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Halverson Construction Company, Inc. has 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)(2) of the Act. However, on May 26, 1994, the parties filed a stipulation agreement. In this agreement the County agrees to dismiss the Section 21(p)(1) litter violation. The respondent admits the Section 21(p)(3) open burning violation, and agrees to pay a \$500.00 penalty by May 23, 1994. The Board accordingly dismisses the litter violation. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Halverson Construction Company, Inc., has violated the provision alleged in the Administrative Citation as amended by the May 26, 1994 stipulation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Halverson Construction Company, Inc. shall, by certified check or money order payable to the Sangamon County Department of Public Health, pay a penalty in the amount of \$500.00, which is to be sent to:

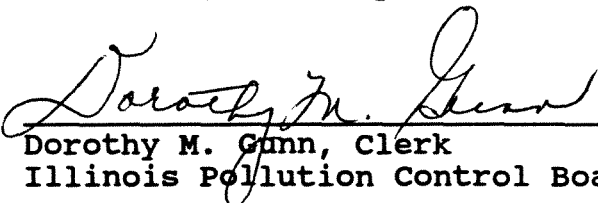
James D. Stone, Director
Sangamon County Department of Public Health
200 South Ninth Street, Room 301
Springfield, Illinois 62701

2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

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 2nd day of June, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board