

ILLINOIS POLLUTION CONTROL BOARD
December 5, 1996

COUNTY OF MACON,)	
)	
Complainant,)	
)	
v.)	AC 97-33
)	(EPA-96-1)
DAVID SCOTT,)	(Administrative Citation)
)	
Respondent.)	

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

This matter comes before the Board upon the October 21, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the County of Macon (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon David Scott on October 21, 1996. The County alleges that on August 22, 1996, David Scott, present owner and/or operator of a facility located in Macon County, violated Section 21(p)(1) of the Act¹. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

David Scott 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)(1) of the Act. Therefore, the Board finds David Scott has violated the provision alleged in the administrative citation. Since there is (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, David Scott shall, by certified check or money order payable to the County of Macon, pay a penalty in the amount of \$500.00, which is to be sent to:

Macon County Clerk
101 South Main Street
Decatur, Illinois 62523

2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number on the certified check or money order.

¹ The County also alleges violations Section 21(a) and 21(d)(1) of the Act, but only violations of Sections 21(o) and 21(p) may properly be alleged in an administrative citation.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Act.
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 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 _____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board