

ILLINOIS POLLUTION CONTROL BOARD
July 30, 1992

ST. CLAIR COUNTY,)
)
 Complainant,)
)
 v.) AC 92-46
) (County No. 92-6 SC)
 LARRY ESTERLEN,) (Administrative Citation)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a June 8, 1992 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by St. Clair 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 Larry Esterlen, on June 2, 1992. St. Clair County alleges that on April 28, 1992, Larry Esterlen, present owner and/or operator of a facility located in St. Clair County, and commonly known to the Agency as Belleville/Mt. Hope Cemetery Association, violated Section 21(p)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Larry Esterlen 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. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Larry Esterlen has violated the provision alleged in the Administrative Citation. 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 Larry Esterlen shall, by certified check or money order payable to the Landfill Citation Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

Paul Haas
County Collector
#10 Public Square
Belleville, Illinois 62220

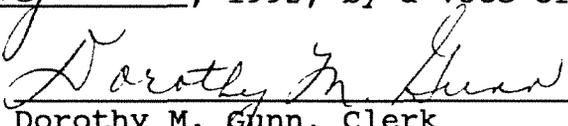
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2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest 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, Ill. Rev. Stat. 1989, ch. 111½, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 30th day of July, 1992, by a vote of 6-0.


 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board