

ILLINOIS POLLUTION CONTROL BOARD  
September 1, 1994

COUNTY OF VERMILION, )  
 )  
 Complainant, )  
 )  
 v. ) AC 94-46  
 ) (County No. 94-01)  
 ) (Administrative Citation)  
 ABUNDANT LIFE PENTECOSTAL )  
 CHURCH, )  
 )  
 Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a July 13, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Vermilion 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 Abundant Life Pentecostal Church on July 6, 1994. Vermilion County alleges that on May 26, 1994, Abundant Life Pentecostal Church, present owner and/or operator of a facility located in Vermilion County and commonly known to the County as 400 North Logan, Danville, Illinois 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.

Abundant Life Pentecostal Church 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 Abundant Life Pentecostal Church, 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 Abundant Life Pentecostal Church shall, by certified check or money order payable to the County of Vermilion County, pay a penalty in the amount of \$500.00, which is to be sent to:

Vermilion County Health Board  
Rural Route 1, Box 12B  
Danville, Illinois 61832

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

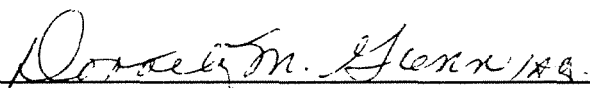
order.

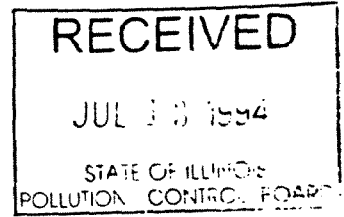
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

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.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 13<sup>th</sup> day of September, 1994, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



COUNTY OF VERMILION, ILLINOIS

ADMINISTRATIVE CITATION

IN THE MATTER OF: )
ABUNDANT LIFE PENTECOSTAL CHURCH, )
Respondent. )

Ac 94-46
County File No. 94-01

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by section 4(e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. That Respondent, Abundant Life Pentecostal Church of God, is the present owner of a property located at 400 N. Logan, Danville, Illinois, within the County of Vermilion, State of Illinois, and has owned said property at all times pertinent hereto.

2. That said property is not licensed as, nor does it fulfill the requirements of a sanitary landfill.

3. That on May 26, 1994, Douglas Toole of the Vermilion County Health Department inspected said property. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of the direct observation of Douglas Toole, the County of Vermilion has determined that Respondent has allowed open dumping on its property, in violation of section 21(a) of the Act, 415 ILCS 5/21(a), in a manner which resulted in litter at the site.

CIVIL PENALTY

Pursuant to section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for the above-mentioned violation. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by

the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for the violation.

If you acknowledge the violation cited hereinabove, the civil penalty specified above shall be due and payable no later than August 10, 1994. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof, or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the County of Vermilion, Illinois, and mailed to the Vermilion County Health Department at Rural Route 1, Box 12B, Danville, Illinois 61832.

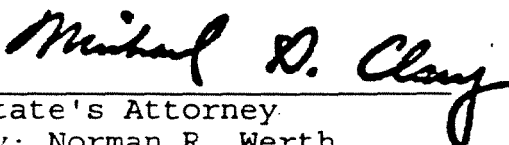
If payment is not received when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, the State's Attorney will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING  
THIS ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601. A copy of the Petition for Review should be filed with the Vermilion County State's Attorney's Office, Attention: Norm Werth, 7 N. Vermilion St., Danville, Illinois 61832.

Your Petition for Review MUST be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment will be issued by the Illinois Pollution Control Board.

DATED: July 1, 1994

  
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State's Attorney  
By: Norman R. Werth,  
Assistant. State's Attorney

REMITTANCE FORM

COUNTY OF VERMILION, )  
 )  
 Complainant, )  
 )  
 v. ) AC 94-46  
 ) (County No. 94-01)  
 ) (Administrative Citation)  
 ABUNDANT LIFE PENTECOSTAL )  
 CHURCH, )  
 )  
 Respondent. )

FACILITY: 400 North Logan, Danville SITE CODE NO.: 1830200065

COUNTY: Vermilion CIVIL PENALTY: \$500.00

DATE OF INSPECTION: May 26, 1994

DATE REMITTED: \_\_\_\_\_

SS/FEIN NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (Fein) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Vermilion County Health Board, Rural Route 1, Box 12B, Danville, Illinois 61832