

ILLINOIS POLLUTION CONTROL BOARD  
January 9, 1992

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 91-47  
 ) IEPA Case No. 633-91-AC  
EDWIN W. CARLSON, ) (Administrative Citation)  
 )  
Respondent. )  
 )

ORDER OF THE BOARD (by J. C. Marlin):

This matter comes before the Board on a December 19, 1991 letter from the respondent. The letter states that the respondent had paid the \$1,000.00 civil penalty in this administrative citation case. This letter is corroborated by an Agency letter filed December 11, 1991 which states that the civil penalty in AC 91-47 was paid in full on December 6, 1991. The Board is construing the respondent's letter as a motion to withdraw his petition for review filed November 6, 1991.

On November 4, 1991, an administrative citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). 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 Edwin W. Carlson on November 1, 1991. The Agency alleges that on September 3, 1991, Edwin W. Carlson, present operator of a facility located in the County of Winnebago, violated Sections 21(q)(1) and 21(q)(4) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Respondent has withdrawn his petition for review which was filed on November 6, 1991. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the Edwin W. Carlson has violated each and every provision alleged in the administrative citation. Since there is two (2) such violations, the total penalty to be imposed is set at \$1000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Edwin W. Carlson shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$1000.00 which is to be sent to:

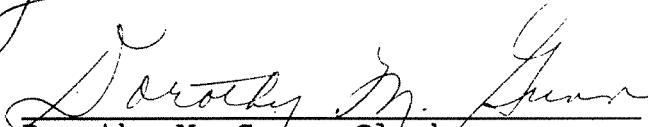
Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, IL. 62706.

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. 111 1/2, 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 9<sup>th</sup> day of January, 1992, by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board