

ILLINOIS POLLUTION CONTROL BOARD  
January 20, 1994

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 93-21  
 ) (Administrative Citation)  
 )  
CITY OF HERRIN, )  
 )  
Respondent. )

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

This matter comes before the Board on its own motion to vacate the order in this matter dated January 6, 1994. The Board, based on a December 20, 1993 motion to withdraw the petition for review filed by the City of Herrin, closed this docket.

On June 25, 1993, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). The Agency alleges that on May 3, 1993, a facility operated by the City of Herrin was inspected. Based on this inspection the Agency alleged that the City of Herrin was in violation of Sections 21(o)(2) and (o)(3) of the Act. (415 ILCS 5/21(o)(2) and (o)(3) (1992).) The statutory penalty established for each violation is five hundred dollars (\$500.00) pursuant to Section 42(b)(4) of the Act. (415 ILCS 5/42(b)(4) (1992).) Therefore the City of Herrin was subject to a total penalty of one thousand dollars (\$1,000.00) for the two alleged violations.

The Board grants the motion to withdraw the petition for review and pursuant to Section 31.1(d)(1) of the Act, will proceed to assess civil penalties. The Board finds the City of Herrin in violation of Sections 21(o)(2) and (o)(3) of the Act and imposes a penalty of one thousand dollars (\$1,000.00).

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order the respondent 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 \$1,000.00 which is to be sent to:

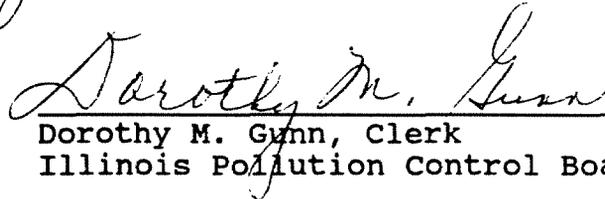
Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road P.O. Box 19276  
Springfield, IL 62794-9276

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 this 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 of the date of service of this order. (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 20<sup>th</sup> day of January, 1994, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board