

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1992

COUNTY OF MADISON,)
)
 Complainant,)
)
 v.) AC 92-65
) (County No. 92-01)
 BRIAN HAYES, d/b/a HAYES) (Administrative Citation)
 EXCAVATING,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a September 21, 1992 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Madison. 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 Brian Hayes on September 19, 1992. The County of Madison alleges that on July 21, 1992, Brian Hayes, present owner and/or operator of a facility located in the County of Madison and commonly known to the Agency as Collinsville/Hayes Excavating, 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.

Brian Hayes 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 Brian Hayes 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 Brian Hayes shall, by certified check or money order payable to the General Fund - Solid Waste Fine, pay a penalty in the amount of \$500.00, which is to be sent to:

John M. Shimkus
County Treasurer
157 N. Main Street
Edwardsville, Illinois 62025


0137-0237

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 upaid 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 19th day of November, 1992, by a vote of 7-1.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board