

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1996

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	AC 96-31
v.	)	(IEPA No. 790-95-AC)
	)	
FRED HONAKER,	)	
	)	
Respondent.	)	
	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board upon the December 8, 1995 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency).

The Agency alleges that on October 13, 1995, Fred Honaker, present owner of property located at 601 South Railroad Street in Lovington, Moultrie County, Illinois, violated Section 21(p)(1) of the Act by causing or allowing litter, and violated Section 21(p)(3) of the Act by causing or allowing open burning. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Honaker filed a Petition for Review on December 15, 1995. Hearing was set for June 27, 1996. On June 28, 1996 Honaker filed a Motion to Withdraw the Petition for Review. The Board grants the motion, and therefore, pursuant to Section 31.1(d), finds that Honaker has violated the provisions alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$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, Honaker shall, by certified check or money order payable to the Illinois Environmental Protection Fund, pay a penalty in the amount of \$1,000.00, which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services  
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 his social security or federal Employer Identification Numbers 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 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. 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 \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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