

ILLINOIS POLLUTION CONTROL BOARD

August 22, 2002

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-256  
) (Enforcement – Water)  
CRIER DEVELOPMENT COMPANY )  
and BRADLEY S. COWELL, )  
)  
Respondents. )

ZEHEMHERET BEREKET-AB, ASSISTANT ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT.

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On August 15, 2002, complainant filed a motion to withdraw a request for attorney fees and costs (motion). Complainant's motion was filed in response to the Board's August 8, 2002 interim opinion and order that imposed a penalty of \$25,000 and ordered complainant to file an affidavit in support of complainant's request for attorney fees and costs. People of the State of Illinois v. Crier Development Company and Bradley S. Cowell, PCB 96-256 (Aug. 8, 2002). The Board grants the motion.

By today's order the Board provides that respondent must pay the \$25,000 penalty within 30 days of this final order. As this order concludes all pending matters in this case, this docket is closed.

**ORDER**

- 1) The Board previously found that Crier and Cowell have violated Section 12(b) of the Act and 35 Ill. Adm. Code 309.202(a) of the Board's water pollution regulations by installing a sewer without a construction permit. The Board imposes a civil penalty of \$25,000 on respondents.
- 2) Respondents must pay this penalty within 30 days of the date of this order, on or before September 23, 2002. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and must be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division

1021 North Grand Avenue East  
P.O. Box 19276  
Springfield Illinois 62794-9276

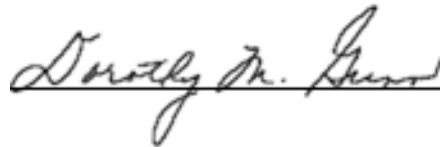
The certified check or money order must clearly indicate on its face this case name and docket number. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2000)).

IT IS SO ORDERED.

Board Member W.A. Marovitz dissented.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above order on August 22, 2002, by a vote of 6-1.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board