

ILLINOIS POLLUTION CONTROL BOARD  
October 1, 2015

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 2012-021
	)	(IEPA File No. 374-11-AC)
KATHERINE BLUNK,	)	(Administrative Citation)
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

On September 3, 2015, the Board entered an order accepting the proposed settlement and dismissal of this administrative citation (AC) enforcement action. IEPA v. Katherine Blunk, AC 12-21 (Sept. 3, 2015). On September 21, 2015, the Illinois Environmental Protection Agency (IEPA) filed a motion for reconsideration (Mot.) asking the Board to “reconsider its September 3, 2015 order and modify the terms of the payment schedule to be consistent with the terms of the Stipulation agreed to by the parties.” Mot. at 2.

As stated by IEPA, the terms of the settlement between the parties “included an agreement by Respondent to pay the statutory civil penalty of \$1,500 in installments of \$250, beginning 30 days from the date of the Board’s order.” Mot. at 1. Instead, the Board’s September 3, 2015 order provided that “Blunk must pay a civil penalty of \$1,500 no later than October 5, 2015.” IEPA v. Katherine Blunk, AC 12-21, slip op. at 2 (Sept. 3, 2015).

In ruling on a motion for reconsideration, the Board will consider factors including new evidence or a change in the law, to conclude that the Board’s decision was in error. 35 Ill. Adm. Code 101.902. The Board grants the IEPA’s motion in this instance because the Board’s order was in error demanding payment in full no later than October 5, 2015 rather than recognizing the agreement between the parties.

Therefore, the Board accepts the stipulation and proposal for settlement, finding that Blunk violated Section 21(p)(1) of the Act. 415 ILCS 5/21(p)(1) (2014). Section 42(b)(4-5) of the Act (415 ILCS 5/42(b)(4-5) (2014)) establishes a civil penalty of \$1,500 for a violation of Section 21(p)(1) of the Act. The Board accordingly assesses a civil penalty of \$1,500 to be paid in monthly installments of \$250, beginning 30 days from the date of this order and continuing until the amount is paid in full. The Board accordingly amends its order, below.

This opinion constitutes the Board's findings of fact and conclusions of law.

**ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. The Board finds that Katherine Blunk (Blunk) violated Section 21(p)(1) of the Environmental Protection Act (Act). 415 ILCS 5/21(p)(1) (2014).
3. Blunk must pay a civil penalty of \$1,500 in monthly installments of \$250 beginning on November 2, 2015, the first business day following the 30th day after this order and continuing until the amount is paid in full. Blunk must pay the civil penalty by certified checks or money orders, made payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and Blunk's social security number or federal tax identification number must be included on the certified checks or money orders.
4. Blunk must send the certified checks or money orders to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
5. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Act (415 ILCS 5/42(g) (2014)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act. 35 ILCS 5/1003(a) (2014).
6. The Board dismisses the alleged violation of Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2014)) and Blunk's petition to contest the administrative citation.

IT IS SO ORDERED.

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) (2014); *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, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 1, 2015, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive, flowing style.

Don A. Brown, Assistant Clerk  
Illinois Pollution Control Board