

ILLINOIS POLLUTION CONTROL BOARD
October 7, 1993

COUNTY OF CHRISTIAN,)	
)	
Complainant,)	
)	
v.)	AC 93-38
)	(County No. LF-017-93)
WASTE MANAGEMENT, INC., d/b/a)	(Administrative Citation)
FIVE OAKS RDF,)	
)	
Respondent.)	

ORDER OF THE BOARD:

This matter comes before the Board upon an August 23, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Christian. 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 Waste Management on August 18, 1993. The County of Christian alleges that on July 28, 1993, Waste Management, present owner and/or operator of a facility located in Christian County and commonly known to the Agency as Taylorville/Five Oaks RDF, violated Section 21(o)(5) of the Act. The statutory penalty established for each of this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Waste Management 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 Waste Management 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 Waste Management shall, by certified check or money order payable to the Christian County Treasurer, pay a penalty in the amount of \$500.00 which is to be sent to:

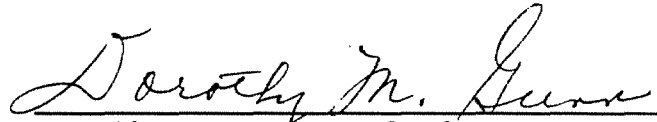
County of Christian
Christian County Treasurer
P.O. Box 199
Taylorville, Illinois 62568

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 the violation continues.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

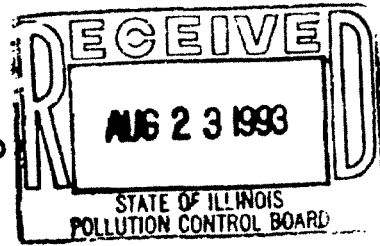
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Board, hereby certify that the above order was adopted on the 7th day of October, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION



COUNTY OF CHRISTIAN,)

Complainant,)

v.)

WASTE MANAGEMENT INC.,)
d/b/a FIVE OAKS RDF,)

Respondent.)

AC 93- 38
(County No. LF-017-93)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Christian County Solid Waste Management Department by Ill. Comp. Stat. 1992, ch. 415, par. 5/31.1.

FACTS

1. That Respondent, Waste Management Inc., is the present operator of a facility located in the County of Christian, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1978-4-OP, and designated with Site Code No. 0218160006. Said facility is commonly known to the Agency as Taylorville/Five Oaks RDF.
3. That Respondent has owned or operated said facility at all times pertinent hereto.
4. That on July 28, 1993, Scott Lucey, of the Christian County Solid Waste Management Department, inspected the above-described landfill facility. A copy of the inspection report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Scott Lucey, the Christian County Solid Waste Management Department has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Comp. Stat. 1992, ch. 415, par. 5/21(d), in a manner which resulted in the following conditions:

A. That on July 28, 1993 an on-site inspection of said sanitary landfill facility and a review of Christian County Solid Waste Management Department files and records of said facility, disclosed the following:

1. Uncovered refuse remaining from a previous operating day, in violation of Ill. Comp. Stat. 1992, ch. 415, par. 5/21(o)(5).
2. Inadequate depth of daily cover, in violation of Section 807.305(a) of the 35 Ill. Adm. Code, Subtitle G.

CIVIL PENALTY

Pursuant to Ill. Comp. Stat. 1992, ch. 415, par. 5/42(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for the violation specified above Paragraph A.1. above, for a total of Five Hundred Dollars (\$500.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than September 22, 1993, 35 days from filing. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.


When payment is made, your check should be made payable to the Christian County Treasurer and mailed to the County of Christian c/o Christian County Treasurer, P.O. Box 199, Taylorville, Illinois 62568. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received. Furthermore, if payment is not received when due, the Office of the Illinois Attorney General or the Christian County State's Attorney shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs of the Illinois Pollution Control Board, if any, the Attorney General's Office or the Christian County State's Attorney's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Ill. Comp. Stat. 1992, ch. 415, par. 5/31.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with Illinois Environmental Protection Agency and the Christian County Solid Waste Management Department. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the Illinois Environmental Protection Agency at 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, Attention: Division of Legal Counsel and a copy to the Christian County Solid Waste Management Department at 305 South Webster Street, Taylorville, Illinois 62568.

By: 

David H. Martin
Assistant State's Attorney
CCSWM/Enforcement

Date: 8/17/93

Prepared by: David H. Martin
Christian County Solid Waste Management
305 S. Webster St.
Taylorville, IL 62568
(217)287-2334

CERTIFIED MAIL # P 389 294 771

REMITTANCE FORM

COUNTY OF CHRISTIAN,)	
)	
Complainant,)	
)	AC 93-38
v.)	(County No. LF-017-93)
)	
WASTE MANAGEMENT, INC., d/b/a)	
FIVE OAKS RDF,)	
)	
Respondent.)	

FACILITY: Taylorville/Five
Oaks RDF

SITE CODE NO.: 021860006

COUNTY: Christian

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: July 28, 1993

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form to: County of Christian, Christian County Treasurer, P.O. Box 199, Taylorville, Illinois 62568.