

ILLINOIS POLLUTION CONTROL BOARD  
August 26, 1993

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Petitioner,	)	
	)	
v.	)	AC 93-20
	)	(Administrative
ILLINOIS LANDFILL, INC.	)	Citation)
	)	IEPA No. 306-93-AC
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

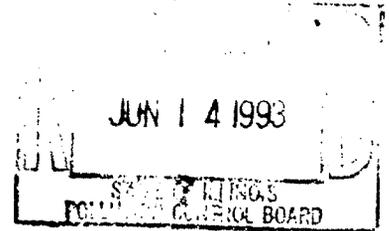
This matter comes before the Board upon a June 14, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of the Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. The Agency alleges that on May, 4, 1993, Illinois Landfill, Inc., present owner of a facility commonly known to the Agency as Hoopston/Illinois Landfill, Inc., located in Vermilion County, violated Section 21(o)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

On August 5, 1993, the Board entered an order directing the Agency to file proof of service on Illinois Landfill, Inc., on or before August 20, 1993, or the matter would be subject to dismissal. On August 9, 1993, the Clerk of the Board received notification from the Agency verifying proof of service on June 14, 1993.

Illinois Landfill, Inc. 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 Illinois Landfill, Inc. violated Section 21(o)(5), as alleged in the Administrative Citation and imposes a total penalty of \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, Illinois Landfill, Inc. shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 93-20  
 ) (IEPA No. 306-93-AC)  
ILLINOIS LANDFILL, INC. and )  
KENTON RODERICK, )  
Respondents. )

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Ill. Rev. Stat. ch. 111 1/2, para. 1031.1 (1991).

FACTS

1. That Respondents, Illinois Landfill, Inc. and Kenton Roderick, are the present operators of a facility located in the County of Vermilion, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1989-11-OP, and designated with Site Code No. 1830450009. Said facility is commonly known to the Agency as Hoopston/Illinois Landfill, Inc.
3. That Respondents have owned or operated said facility at all times pertinent hereto.
4. That on May 4, 1993, Amy Brown, of the Illinois Environmental Protection Agency, 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 Amy Brown, the Illinois Environmental Protection Agency has determined that Respondents were conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. ch. 111 1/2, para. 1021(d) (1991), in a manner which resulted in the following conditions:

A. That on May 4, 1993 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- (1) Uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. ch. 111 1/2, para. 1021(o)(5) (1991) [formerly 1021(p)(5)].

## CIVIL PENALTY

Pursuant to Ill. Rev. Stat. ch. 111 1/2, para. 1042(b)(4) (1991), Respondents herein are subject to a civil penalty of Five Hundred Dollars (\$500.00) for the violation specified above in Paragraph A. Additionally, should Respondents 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, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty.

If you acknowledge the violation cited hereinabove, the civil penalty specified above shall be due and payable no later than July 19, 1993. 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 Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276. 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 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 Environmental Protection Agency and the Illinois Pollution Control Board, if any, the Attorney General'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. Rev. Stat. ch. 111 1/2, para. 1031.1 (1991). 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 the Illinois Environmental Protection Agency. 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.

  
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Mary A. Gade, Director  
Illinois Environmental Protection Agency

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Date: 4/10/93

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