

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

IN THE MATTER OF:)
)
CITY OF BELVIDERE,) AC 88-119
) (IEPA Docket No. 9341-AC)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a December 27, 1988 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 that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon the City of Belvidere on December 27, 1988. The Agency alleges that the City of Belvidere has violated Sections 21(p)(5) and 21(p)(12) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

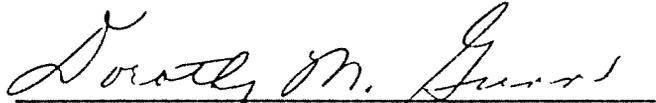
The City of Belvidere has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the City of Belvidere has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the City of Belvidere 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 \$1,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL 62706

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 23rd day of February, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

VIOLATIONS

On the basis of direct observation of Thomas McNamee, the Illinois Environmental Protection Agency 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. Rev. Stat. 1987, ch. 111½, par. 1021(d), in a manner which resulted in the following conditions:

A. That on November 3, 1988 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:

- (i) Uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1987, ch. 111½, par. 1021(p)(5).
- (ii) Failure to collect and contain litter from the site by the end of each operating day, in violation of Ill. Rev. Stat. 1987, ch. 111½, par. 1021(p)(12).

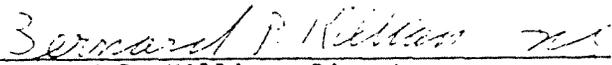
CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1987, ch. 111½, par. 1042(b)(4)), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A(i) and A(ii), for a total of One Thousand Dollars (\$1,000.00). 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

civil penalty, 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 Public Act 84-1320 (Ill. Rev. Stat. 1987, ch. 111½, par. 1031.1). 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 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: Enforcement Services.



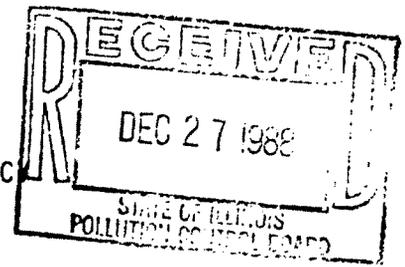
Bernard P. Killian, Director
Illinois Environmental Protection Agency

Prepared by: William Seltzer
Illinois Environmental
Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
(217)782-5544

Date: December 23, 1988

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT



IN THE MATTER OF:)
)
CITY OF BELVIDERE,)
a municipal corporation)
in the State of Illinois,)
)
Respondent.)

Ac 88-119
IEPA DOCKET NO. 9341-AC

Affiant Thomas J. McNamee, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On November 3, 1988, between 7:42 a.m. and 10:00 a.m., Affiant conducted an inspection of the sanitary landfill in Boone County, Illinois, known as Belvidere/Muni #2, Illinois Environmental Protection Agency Site No. 0070050006, operating under IEPA Permit No. 1973-55-0P.

3. Affiant inspected said Belvidere/Muni #2 site by an on-site inspection which included walking the site and interviewing personnel.

4. Before and/or after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief,

is an accurate representation of Affiant's observations and factual conclusions with respect to said Belvidere/Muni #2.

Thomas J. McWamee

Subscribed and Sworn To before me
this 3rd day of November, 1988.

C Cheryl L. Martens
Notary Public

