

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1988

IN THE MATTER OF: )  
 )  
CITY OF DIXON and ROCHELLE ) AC 88-48  
DISPOSAL SERVICE, INC., ) (IEPA Docket No. 8987-AC)  
 )  
Respondents. )

ORDER OF THE BOARD:

This matter comes before the Board upon a June 10, 1988 filing of an amended 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 amended Administrative Citation is attached hereto. The Agency alleges that the City of Dixon and Rochelle Disposal Service has violated Sections 21(p)(5) and 21(p)(12) of the Act. The statutory penalty established for these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Therefore, pursuant to Section 31.1(d)(1), the Board finds that the City of Dixon and Rochelle Disposal Service has violated the provisions alleged in the amended 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 Dixon and Rochelle Disposal Service 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, Illinois 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 4th day of August, 1988, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



### VIOLATIONS

On the basis of direct observation of Jack Holzer, 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. 1985, ch. 111½, par. 1021(d), in a manner which resulted in the following conditions:

- A. That on April 12, 1988, said landfill had uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(5).
- B. That on April 12, 1988, said landfill had failed to collect and contain litter on the site by the end of a previous operating day, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(12).

### CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1042(b)(4)), Respondents herein are subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A and B, for a total of One Thousand (\$1,000.00) Dollars. Additionally, should Respondents or each and any thereof 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, such Respondent(s) 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 for each finding of violation.

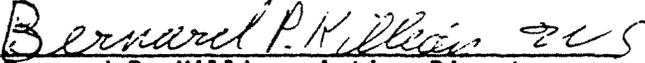
If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than fourteen (14) days after the Board Order allowing this Amended Administrative Citation. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgement 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 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. Furthermore, if payment is not received when due, the Offices 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, 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. 1986 Supp., 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  
Bernard P. Killian, Acting Director  
Illinois Environmental Protection Agency

Date: June 8, 1988

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
REMITTANCE FORM

IN THE MATTER OF: )  
City of Dixon and, ) IEPA DOCKET NO. 8987-AC  
Rochelle Disposal Services, Inc. )  
Respondents. )

FACILITY: Dixon/GROP NO. 2                      SITE CODE NO: 103 801 0002  
COUNTY: Lee                                      CIVIL PENALTY: \$1,000.00  
DATE OF INSPECTION: April 12, 1988

DATE REMITTED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attention: Fiscal Services, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276.

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