

ILLINOIS POLLUTION CONTROL BOARD
June 16, 1988

IN THE MATTER OF:)
)
LAIDLAW WASTE SYSTEMS, INC.,) AC 88-35
) (Case No. 88-5 SC)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a May 6, 1988 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of St. Clair. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Laidlaw Waste Systems on May 2, 1988. The County of St. Clair alleges that Laidlaw Waste Systems has violated Sections 21(p)(5), 21(p)(5) and 21(p)(5) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Laidlaw Waste Systems 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 Laidlaw Waste Systems has violated each and every provision alleged in the Administrative Citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Laidlaw Waste Systems shall, by certified check or money order payable to the Landfill Citation Fund, pay a penalty in the amount of \$1,500.00, which is to be sent to:

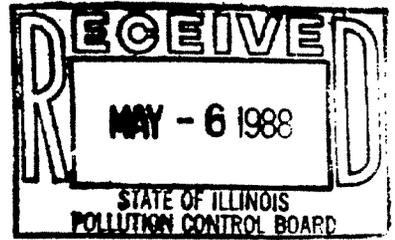
Paul Haas
County Collector
#10 Public Square
Belleville, Illinois 62220

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 16th day of June, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



STATE OF ILLINOIS

COUNTY OF ST. CLAIR

ADMINISTRATIVE CITATION

IN THE MATTER OF:)
)
 LAIDLAW WASTE SYSTEMS, INC.)
 A Foreign Corporation)
 Licensed To Do Business)
)
 Respondent.)
)

Ac 88-35
88-5 SC

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.), and delegated to St. Clair County pursuant to Ill. Rev. Stat. 1987, Supp., ch. 111 1/2, par. 1004 (r).

FACTS

1. That Respondent, a Missouri corporation, is the present operator of a facility located in the County of St. Clair, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1977-19-OP and designated with Site Code No 1638140001. Said facility is commonly known to the Agency as Belleville/Laidlaw.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on March 28, 1988, March 31, 1988, and April 2, 1988 Donald R. Brannon, of the County of St. Clair, inspected the above-described landfill facility. Copies of the Inspection Reports setting forth the result of such inspection are attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation by Donald Brannon, the County of St. Clair has determined that Respondent was conducting a landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1986, ch. 111 1/2, par. 1021(d). in a manner which resulted in the following conditions:

- A. On March 28, 1988, operated said landfill facility in a manner which resulted in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (5).
- B. On March 31, 1988, operated said landfill in a manner which resulted in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (5).
- C. On April 2, 1988, operated said landfill facility in a manner which resulted in uncovered refuse remaining from any previous operating day or at the conclusion of operating day, in violation of Ill. Rev. Stat. 1986, ch. 111 1/2, par. 1021(P) (5).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, 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, B, and C for a total of One Thousand Five Hundred Dollars (\$1500.00). Additionally, should you 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, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the One Thousand Five Hundred Dollars (\$1500.00) 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 June 7, 1988. If payment is not received by such date, this citation will be forwarded to the Illinois Environmental Protection Agency for judgement. If you do not petition the Illinois Pollution Control Board for review of this Administration 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 LANDFILL CITATION FUND and mailed to Paul Haas, County Collector, #10 Public Square, Belleville, Il 62220.

If any civil penalty, by reason of acknowledgement, 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. Furthermore, if payment is not received when due, the St. Clair County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney 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. 111 1/2, 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 St. Clair County State's Attorney, Attention, John Baricevic, at the St. Clair County Courthouse. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgement 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 State's Attorney at the St. Clair County Courthouse.

April 29, 1988

JOHN BARICEVIC
State's Attorney

Robert A. Wynn

St. Clair County
Public Health

BY: *Jay Hoffman*

JAY HOFFMAN
Assistant State's Attorney

STATE OF ILLINOIS

COUNTY OF ST. CLAIR

AFFIDAVIT

IN THE MATTER OF:)	
)	
LAIDLAW WASTE SYSTEMS, INC.)	
BELLEVILLE/LAIDLAW)	88-5 SC
)	
)	
Respondent.)	
)	

Affiant, Donald R. Brannon, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the St. Clair County Health Department and certified by the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On March 28, 1988, March 31, 1988, and April 2, 1988, Affiant conducted the inspections of the sanitary landfill in St. Clair County, Illinois, known as Belleville/Laidlaw, Illinois Environmental Protection Agency Site No. 1638140001, operating under IEPA Permit No. 1977-19-OP.

3. Affiant inspected said Belleville/Laidlaw Landfill site by on-site inspections which included walking the site and interviewing personnel as well as observations conducted after operating hours.

4. After said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and other pertinent file documents.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report forms attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, are an accurate representation of Affiant's observations and factual conclusions with respect to the Belleville/Laidlaw landfill.

Ronald K. Burman

Subscribed and Sworn To before me
this 29th day of April 1988.

Colleen Ford

Notary Public

NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXP. APR. 3, 1989
ISSUED THRU ILL. NOTARY ASSOC.

FINANCIAL INFORMATION FORM

on April 29, 1988 An Administrative Citation was issued by St. Clair County,

Name of Respondent: Laidlaw Waste System
Name of Facility: Belleville/Laidlaw
Site Code No: 1638140001
Amount of Civil Penalty Requested: \$1500.00
Due Date for Payment of Civil Penalty: June 7, 1988

Comments: [Blank lines for handwritten notes]

Instructions: This form shall be prepared by the County and copies mailed to the Agency on the day the Citation is mailed for service of process. Copies of the Citation itself shall be attached to the first Financial Information Forms mailed to the Agency. When payment of the civil penalty is received by the County, copies of this form shall again be mailed to the Agency stating the date and amount of penalty received. If for any reason, the civil penalty received is less than the original amount requested, the reasons shall be set forth in the "Comments" section. If the matter was adjudicated and Respondent found not to be liable, such result shall be explained in the "Comments" section and copies of the final Board Order shall be attached.

Any payment due the Agency shall be mailed with the second mailing of the Financial Information Form. The statute provides for the Agency and Board to recover their "costs of hearing" if adjudication results. However, there is no provision for the County to recover its costs of hearing. Therefore, the civil penalty is to be split 50-50, and any additional costs of hearing assessed by the Board shall be transmitted to the State for deposit.

The Financial Information Forms shall be mailed to:

Illinois Environmental Protection Agency
Fiscal Services
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276
(Mary Jo Heise, 217-782-3250)

Illinois Environmental Protection Agency
Enforcement Docket Control
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276
(Linda Cooper, 217/785-8624)