

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1988

IN THE MATTER OF:)
)
WASTE MANAGEMENT OF) AC 88-31
ILLINOIS,) (Case No. 88-EH 6)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon an April 13, 1988 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Tazewell. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Waste Management on April 11, 1988. The County of Tazewell alleges that Waste Management has violated Section 21(p)(12) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

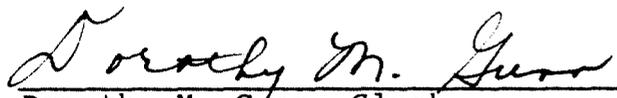
Waste Management has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Waste Management has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

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 Tazewell County Health Department, pay a penalty in the amount of \$500.00 which is to be sent to:

Gordon Poquette
Tazewell County Health Department
R.R. #1
Tremont, Illinois 61568

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 19th day of May, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

VIOLATIONS

On the basis of direct observation of Tazewell County Landfill, the County of Tazewell 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. 1985, ch. 111½, para. 1021(d), in a manner which resulted in the following conditions:

- 12) Failure to collect and contain litter from the site noted in one area.

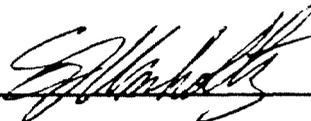
CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph One (1), for a total of \$500.00. 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 Five Hundred dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violation cited hereinabove, the civil penalty specified above shall be due and payable no later than May 16, 1988. 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 Tazewell County Health Department and mailed to Gordon Poquette at the Tazewell County Health Department, RR #1, Tremont, Illinois 61568.

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. Furthermore, if payment is not received when due, the Tazewell 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.



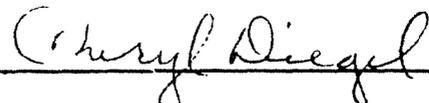
Stewart Umholtz, Assistant State's Attorney



Ralph Jones, Environmental Health Specialist

Subscribed and Sworn to before me this

8th day of April, 1988.



Notary Public

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, para. 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 Tazewell County State's Attorney, attention Stewart Umholtz at the Tazewell County Court House, Pekin, Illinois 61554. 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 State's Attorney at the Tazewell County Court House, Pekin, Illinois.

Tazewell County Landfill

Date:

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 Tazewell County Landfill.



Ralph Jones, Environmental Health Specialist