

ILLINOIS POLLUTION CONTROL BOARD
July 21, 1994

WILL COUNTY,)	
)	
Complainant,)	
)	
v.)	AC 94-33
)	(County No. WC-94-AC-1)
)	(Administrative Citation)
BEECHER DEVELOPMENT)	
LANDFILL,)	
)	
Respondent.)	

ORDER OF THE BOARD:

This matter comes before the Board upon the May 24, 1994 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by Will County. A copy of that administrative citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the administrative citation was made upon Beecher Development Landfill on May 31, 1994. Will County alleges that on April 4, 1994, Beecher Development Landfill, present owners and/or operators of a facility located in Will County and commonly known to the County as Beecher Development Landfill, violated Section 21(o)(12) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Beecher Development Landfill 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 Beecher Development Landfill violated the provisions alleged in the administrative citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Beecher Development Landfill shall, by certified check or money order payable to The County of Will, pay a penalty in the amount of \$500.00, which is to be sent to:

The Will County Land Use Department
Solid Waste Division
Attention: Frank Kalisik
501 Ella Avenue
Joliet, Illinois 60433

2. Respondents shall include the remittance form and write the case name and number and their social security or federal Employer Identification Numbers on the certified check or

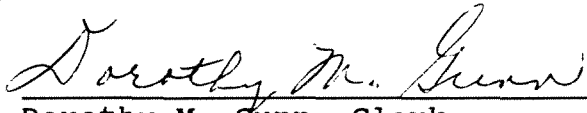
money order.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

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 21st day of July, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

RECEIVED

MAY 24 1994

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
COUNTY OF WILL

ADMINISTRATIVE CITATION

PEOPLE OF THE COUNTY OF WILL)	
Complainant,)	
)	
v.)	
)	AC 94 - 33
)	
BEECHER DEVELOPMENT LANDFILL)	WC 94 AC 1
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (415 ILCS 5/31.1 (1992)), and delegated to Will County pursuant to 415 ILCS 5/4(r) (1992).

FACTS

1. That Respondent, BEECHER DEVELOPMENT COMPANY, is the present operator of a facility located in Crete Township in the County of Will, State of Illinois.

2. That said facility is operated as a sanitary landfill, under Illinois Environmental Protection agency Operating Permit No. 1971-24-OP, and designated with Site Code No. 1978010001. Said facility is commonly known to the Agency as Beecher Development Landfill.

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

4. That on April 4, 1994, Frank S. Kalisik, of the County of Will, 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 of hereof.

VIOLATIONS

On the basis of direct observation of Frank S. Kalisik, the County of Will has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to 415 ILCS 5/21(d)(1992), in a manner which resulted in the following conditions:

A. That on April 4, 1994, 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:

___ Refuse in standing or flowing water, in violation of 415 ILCS 5/21(o)(1)(1992) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(1)].

___ Conducting a sanitary landfill operation in a manner which results in leachate flow entering Waters of the State, in violation of 415 ILCS 5/21(o)(2) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(2)].

- ___ Conducting a sanitary landfill operation in a manner which results in leachate flows exiting the landfill confines, in violation of 415 ILCS 5/21(o)(3) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(3)].
- ___ Open burning of refuse, in violation of 415 ILCS 5/21(o)(4) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(4)].
- ___ Uncovered refuse remaining from a previous operating day, in violation of 415 ILCS 5/21(o)(5) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(5)].
- ___ Failure to provide final cover within time limits established by Pollution Control Board regulations, in violation of 415 ILCS 5/21(o)(6) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(6)].
- ___ Acceptance of wastes without necessary permits, in violation of 415 ILCS 5/21(o)(7) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(7)].
- ___ Causing or allowing scavenging operations, in violation of 415 ILCS 5/21(o)(8) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(8)].
- ___ Deposition of refuse in any unpermitted portion of the landfill, in violation of 415 ILCS 5/21(o)(9) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(9)].

- ___ Acceptance of special waste without a required manifest, in violation of 415 ILCS 5/21(o)(10) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(10)].
- ___ Failure to submit reports required by permits or Pollution Control Board Regulations, in violation of 415 ILCS 5/21(o)(11) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(11)].
- X Failure to collect and contain litter from the site by the end of each operating day, in violation of 415 ILCS 5/21(o)(12) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2 par. 1021(o)(12)].

CIVIL PENALTY

Pursuant to Public Act 84-1320 (415 ILCS 5/42(b)(4) (1992), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for the violation specified above in Paragraph one, 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 violation alleged herein, after an adjudicatory hearing, Respondent 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 **July 5, 1994**. 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 County of Will and mailed to The Will County Land Use Department, Solid Waste Division, Attention: Frank Kalisik, Waste Services Analyst, 501 Ella Avenue, Joliet, Illinois 60433.

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 Will 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 its costs of litigation.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See, Public Act 84-1320 (415 ILCS 5/31/1 (1992)). 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 Will County State's Attorney, Attention: Cynthia Campbell at 14 West Jefferson Street, Room 200, Joliet, Illinois 60431.

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 Will County State's Attorney, Attention: Cynthia Campbell, 14 West Jefferson Street, Room 200, Joliet, Illinois 60431.

James W. Glasgow
State's Attorney
Will County, Illinois

By: Cynthia S. Campbell
Cynthia Campbell
Assistant State's Attorney

Date: May 23, 1994

REMITTANCE FORM

PEOPLE OF THE COUNTY OF WILL)	
)	
Complainant,)	AC 94-33
)	
v.)	
)	
BEECHER DEVELOPMENT LANDFILL)	WC 94 AC 1
)	
Respondent.)	

FACILITY: BEECHER DEVELOPMENT LF SITE CODE NO.: 1978010001

COUNTY: WILL CIVIL PENALTY: \$500.00

DATE OF INSPECTION: APRIL 4, 1994

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to the Will County Land Use Department, Waste Services Division, Attention: Frank Kalisik, Waste Services Analyst, 501 Ella Avenue, Joliet, Illinois 60433.