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JUN 20 2003

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

STATE OF ILLINOIS
Pollution Control Board

COUNTY OF VERMILION, ILLINOIS,)

Complainant,)

v.)

BRICKYARD DISPOSAL AND RECYCLING,)

INC.,)

Respondent.)

AC No. 03-31

County File No. 03-01

MOTION TO STRIKE

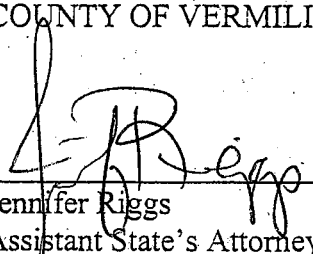
Now come the COUNTY OF VERMILION, ILLINOIS, by and through their Attorney, Jennifer Riggs, Assistant State's Attorney for Vermilion County, Illinois, and pray this Illinois Pollution Control Board strike a certain violation in the previously filed administrative citation. In support of said motion it is alleged as follows:

1. An administrative citation with the above caption and Vermilion County File No. 03-01 was filed with the Illinois Pollution Control Board.
2. The same administrative citation was served upon the Respondent, Brickyard Disposal and Recycling, Inc. on May 16, 2003.
3. The administrative citation cited Respondent for the following violations:
 - A. uncovered refuse from a previous operating day was present at the site at the time of the above-mentioned observations and inspection, in violation of section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12), which provides no person shall conduct a sanitary landfill operation in a manner which results in uncovered refuse remaining from any previous operating day;
 - B. the gas collection system at the site was not designed and operated in a way that ensured the methane concentration standards were not exceeded, in violation of 35 Illinois Administrative Code 811.311(d)(2), which provides the operator shall design and operate the [gas collection] system so that the standards of subsections (a)(1), (a)(2), and (a)(3), which pertain to methane concentration, will not be exceeded.
4. Violation B of the administrative citation was incorrectly included in the administrative citation. The inclusion was incorrect because such a violation is not subject to administrative citation.
5. Complainant requests that Violation B be stricken from the administrative citation.

9-1-S

WHEREFORE, the COUNTY OF VERMILION, ILLINOIS, pray this Illinois Pollution Control Board to strike Violation B of the administrative citation with above caption and Vermilion County No. 03-01.

COUNTY OF VERMILION, ILLINOIS



Jennifer Riggs
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