

ILLINOIS POLLUTION CONTROL BOARD  
June 5, 2008

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 08-22
	)	(IEPA No. 26-08-AC)
PIKE COUNTY LANDFILL, INC., LARRY	)	(Administrative Citation)
BEARD and STEVEN BLAKE,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by G.T. Girard):

On March 18, 2008, the Illinois Environmental Protection Agency (Agency) timely filed an administrative citation against Pike County Landfill, Inc. (Pike County Landfill), Larry Beard (Beard), and Steven Blake (Blake) (collectively respondents). *See* 415 ILCS 5/31.1(c) (2006); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns a sanitary landfill located at 32246 375th Street, Baylis, Pike County, designated with Site Code No. 1498160001, and commonly known to the Agency as “New Salem/Pike County Landfill.” For the reasons below, the Board finds that respondents violated the Environmental Protection Act (Act) (415 ILCS 5 (2007)) and orders respondents to pay \$500 in civil penalties.

Under the Act, an administrative citation is an expedited enforcement action brought before the Board seeking civil penalties that are fixed by statute. Administrative citations may be filed only by the Agency or, if the Agency has delegated the authority, by a unit of local government, and only for limited types of alleged violations at sanitary landfills or unpermitted open dumps. *See* 415 ILCS 5/3.305, 3.445, 21(o), (p), 31.1(c), 42(b)(4), (4-5) (2006); 35 Ill. Adm. Code 108.

In this case, the Agency alleges that respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2006)) by conducting a sanitary landfill in a manner resulting in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, without authorization by permit. According to the administrative citation, Pike County Landfill is the permitted owner and operator of the landfill while Beard and Blake are the certified operators of the landfill. The Agency asks the Board to impose a \$500 civil penalty on respondents. As required, the Agency served the administrative citation on respondents within “60 days after the date of the observed violation.” 415 ILCS 5/31.1(b) (2006); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b).

To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violation alleged and impose the

corresponding civil penalty. *See* 415 ILCS 31.1(d)(1) (2006); 35 Ill. Adm. Code 101.300(b), 108.204(b), 108.406. Pike County Landfill and Beard were served with the administrative citation on March 14, 2008, making any petition from Pike County Landfill or Beard to contest the citation due by April 18, 2008. *See* 35 Ill. Adm. Code 101.300(a). Blake was served with the administrative citation on March 21, 2008, making any petition from Blake to contest the citation due by April 25, 2008. *See id.* Respondents all failed to timely file a petition for review. Accordingly, the Board finds that respondents violated Section 21(o)(5) of the Act.

The civil penalty for violating any provision of subsection (o) of Section 21 is \$500 for each violation. *See* 415 ILCS 5/42(b)(4) (2006); 35 Ill. Adm. Code 108.500(a). Because there is one violation of Section 21(o), the total civil penalty is \$500. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

### **ORDER**

1. The Board finds that respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2006)).
2. Respondents must pay a civil penalty of \$500 no later than July 7, 2008, which is the first business day following the 30th day after the date of this order. Respondents must pay the civil penalty by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Illinois Environmental Protection Trust Fund. The case number, case name, and each respondent's respective social security number or federal employer identification number must be included on the certified check or money order.
3. Respondents must send the certified check or money order and the remittance form to:
 

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2006)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2006)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2006); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 5, 2008, by a vote of 4-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE

MAR 18 2008

STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

v.

PIKE COUNTY LANDFILL, INC., LARRY  
BEARD and STEVEN BLAKE,

Respondents.

ORIGINAL

AC

08-22

(IEPA No. 26-08-AC)

NOTICE OF FILING

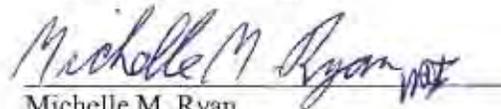
To: Larry Beard, Manager  
Pike County Landfill, Inc.  
31874 375<sup>th</sup> Street  
Baylis, IL 62314

Pike County Landfill, Inc.  
Attn: Brian Meginnis  
416 Main Street, Suite 1400  
Peoria, IL 61602

Steven Blake, Asst. Manager  
Pike County Landfill, Inc.  
220 S. Mississippi Street, Apt. 4  
Pittsfield, IL 62363

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois the following instrument(s) entitled ADMINISTRATIVE CITATION, AFFIDAVIT, and 811 SOLID WASTE LANDFILL INSPECTION CHECKLIST.

Respectfully submitted,



Michelle M. Ryan  
Assistant Counsel

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

Dated: March 13, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

RECEIVED  
CLERK'S OFFICE  
MAR 18 2008  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Complainant,

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AC 08-22  
(IEPA No. 26-08-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Pike County Landfill, Inc. is the permitted owner and operator and Larry Beard and Steven Blake are the certified operators (collectively "Respondents") of the Pike County Landfill located at 32246 375<sup>th</sup> Street, Baylis, Pike County, Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1995-155-LF, and is designated with Site Code No. 1498160001. The facility is commonly known to the Illinois Environmental Protection Agency as New Salem/Pike County Landfill.

3. That Respondents have owned and/or operated said facility at all times pertinent hereto.

4. That on February 7, 2008, Michelle E. Cozadd of the Illinois Environmental Protection Agency's Springfield Regional Office inspected the above-referenced facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

#### VIOLATIONS

Based upon direct observations made by Michelle Cozadd during the course of her February 7, 2008 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents conducted a sanitary landfill in a manner which resulted in uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit, a violation of Section 21 (o)(5) of the Act, 415 ILCS 5/21 (o)(5) (2006).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2006), Respondents are subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of Five Hundred Dollars (\$500.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than April 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Illinois Environmental

Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondents' check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondents shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondents from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondents in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondents elect to contest this Administrative Citation, then Respondents shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

  
Douglas P. Scott, Director  
Illinois Environmental Protection Agency

Date 3-13-08

Prepared by: Susan E. Konzelmann, Legal Assistant  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

ORIGINAL

REMITTANCE FORM

RECEIVED  
CLERK'S OFFICE  
MAR 9 8 2008  
STATE OF ILLINOIS  
Pollution Control Board

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
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Complainant, )  
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v. )  
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PIKE COUNTY LANDFILL, INC., LARRY )  
BEARD and STEVEN BLAKE, )  
 )  
Respondents. )

AC 08-22  
(IEPA No. 26-08-AC)

FACILITY: New Salem/Pike County Landfill      SITE CODE NO.: 1498160001  
COUNTY: Pike      CIVIL PENALTY: \$500.00  
DATE OF INSPECTION: February 7, 2008

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, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.