

ILLINOIS POLLUTION CONTROL BOARD
April 1, 2010

PERRY COUNTY SOLID WASTE)	
MANAGEMENT DEPARTMENT,)	
)	
Complainant,)	
)	
v.)	AC 10-17
)	(PCSWMD 2010-1001:1450105039)
PERRY RIDGE LANDFILL, INC.)	(Administrative Citation)
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On February 18, 2010, the Perry County Solid Waste Management Department (Perry County) timely filed an administrative citation against the Perry Ridge Landfill, Inc. (respondent or Landfill). *See* 415 ILCS 5/31.1(c) (2008); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns respondent's facility located at 6305 Sacred Heart Drive in DuQuoin, Perry County. The facility is a permitted sanitary landfill commonly known to Perry County and the Illinois Environmental Protection Agency (IEPA) as the Perry County Landfill and is designated with Site Code LPC No. 1450105039. For the reasons below, the Board accepts respondent's petition to contest the administrative citation as timely.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), 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 IEPA or, if the IEPA has delegated the authority, by a unit of local government such as Perry County, 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) (2008); 35 Ill. Adm. Code 108.

In this case, Perry County alleges that on January 14, 2010, the Landfill violated Sections 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2008)) by conducting a sanitary landfill in a manner which resulted in (1) uncovered refuse remaining from the previous operating day or at the conclusion of any operating day; and (2) failure to collect and contain litter by the end of each operating day. Perry County asks the Board to impose the statutory \$1,000 civil penalty on respondent.

As required, Perry County served the administrative citation on respondent within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2008); *see also* 35 Ill. Adm. Code 101.300(c), 108.202(b). Any petition to contest the administrative citation was due by March 19, 2010. On March 3, 2010, Michael Whitlock, the Landfill's Chief Operator, timely filed a petition for review on behalf of the Landfill. *See* 415 ILCS 5/31.1(d) (2008); 35 Ill. Adm. Code 101.300(b), 108.204(b). The petition denies that the Landfill committed the alleged violations. *See* 35 Ill. Adm. Code 108.206.

The Board accepts the petition as timely filed. However, the Board's procedural rules state that persons other than individual must appear and file pleadings through a licensed attorney. *See* 35 Ill. Adm. Code 101.400(a)(2). As a corporation, the Landfill must have an attorney file any petition for review on its behalf, and the March 3, 2010 petition does not identify Michael Whitlock as an attorney.

If the Landfill does not have a licensed attorney file an amended petition within 35 days of the date of this order, *i.e.* on or before May 6, 2010, the Board will dismiss this petition for review. The Board will then enter a default order against the Landfill imposing the \$1,000 statutory penalty. *See* 35 Ill. Adm. Code 108.404.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 1, 2010, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board