

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2011

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 December 27, 2010, the Perry County Solid Waste Management Department (Perry County) filed a motion to dismiss the February 18, 2010 administrative citation issued against the Perry Ridge Landfill, Inc. (respondent). The Board grants the complainant's motion to dismiss the citation. The Board also dismisses as moot respondent's petition to contest the administrative citation, filed March 3, 2010 and amended April 15, 2010. The docket is accordingly closed.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2011, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

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FEB 18 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING
BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

PERRY COUNTY)
SOLID WASTE MANAGEMENT DEPT.,)
)
Complainant,) AC 10-17
) (PCSWMD No. 2010-1001: 1450105039)
Vs.)
)
PERRY RIDGE LANDFILL,)
)
Respondent.)

ORIGINAL

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Perry County Solid Waste Management Department, a delegated county of the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Respondent, Perry Ridge Landfill, is the permitted owner and operator of a facility located at 6305 Sacred Heart Road, DuQuoin, Perry County, Illinois.
2. That Mike Whitlock is the Certified Operator of the above-referenced facility.
3. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 2000-064-LF, and is designated with LPC No. 1450105039. The facility is commonly known to the Perry County Solid Waste Management Department as Perry Ridge Landfill.
4. That Respondents have owned and/or operated said facility at all times pertinent hereto.
5. That on January 14, 2010, Rebecca Tracy of the Perry County Solid Waste Management Department 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.

6. That on February 11, 2010, Rebecca Tracy sent this Notice of Filing of the Administrative Citation via United States Postal Service certified mail Nos: 70090080000170850579 and 70090080000170850562.

VIOLATIONS

Based upon direct observations made by Rebecca Tracy during the course of her January 14, 2010 inspection of the above-referenced facility, the Perry County Solid Waste Management Department has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents conducted a sanitary landfill operation in a manner which resulted in uncovered refuse remaining from a previous operating day, a violation of Section 21(o)(5) of the Act, 415 ILCS 5/21(o)(5) (2006); and,
- (2) That Respondents conducted a sanitary landfill operation in a manner which resulted in failure to collect and contain litter at the end of the operating day, a violation of Section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2006), Respondents are subject a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of One Thousand Dollars (\$1,000.00). 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 June 1, 2010, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects 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(s) as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Macon County Solid Waste

Management Department and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty of One Thousand Dollars (\$1,000.00).

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails 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(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Perry County Solid Waste Management Department and mailed to the attention of Rebecca Tracy, Perry County Solid Waste Management Department, 3764 State Route 13/127, Pinckneyville, Illinois 62274. Along with payment, Respondent 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 Respondent from the date payment is due up to and including the date that payment is received. The Office of the Perry County State's Attorney may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

Respondent has 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 Respondent elects to contest this Administrative Citation, then Respondent 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 Perry County State's Attorney, 1 Public Square, Pinckneyville, Illinois

62274. 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 Respondent.



Jennifer Foutch, Assistant State's Attorney
County of Perry

DATE: 2/10/10

Prepared by: Rebecca Tracy, Inspector
Perry County Solid Waste Management Department
3764 State Route 13/127
Pinckneyville, IL 62274
(618) 357-3267

REMITTANCE FORM

PERRY COUNTY)
SOLID WASTE MANAGEMENT DEPT.,)
)
Complainant,) AC _____
) (PCSWMD No. 2010-1001: 1450105039)
Vs.)
)
PERRY RIDGE LANDFILL,)
)
Respondent.)

FACILITY: Perry Ridge Landfill
LPC # 1450105039

COUNTY: Perry CIVIL PENALTY: \$1,000.00

DATE OF INSPECTION: January 14, 2010

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 mailed, along with the Remittance Form, to the Perry County Solid Waste Department, Attention: Rebecca Tracy, 3764 State Route 13/127, Pinckneyville, Illinois 62274