

ILLINOIS POLLUTION CONTROL BOARD
April 19, 2001

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|--------------------------------|---|---------------------------|
| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | AC 01-32 |
| |) | (IEPA No. 053-01-AC) |
| CITY OF EAST MOLINE d/b/a EAST |) | (Administrative Citation) |
| MOLINE MUNICIPAL LANDFILL and |) | |
| DAVID GEIER, |) | |
| |) | |
| Respondents. |) | |

ORDER OF THE BOARD (by C.A. Manning):

On March 9, 2001, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board against the City of East Moline d/b/a East Moline Municipal Landfill (Landfill) and David Geier (Geier), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that respondents failed to submit a supplemental permit application containing the results of the phase II groundwater assessment for their facility located in East Moline, Rock Island County, in violation of Section 21(o)(11) of the Act (415 ILCS 5/21(o)(11) (1998)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (1998).

The record indicates that respondents Landfill and Geier were served with the administrative citation on March 8, 2001, and March 7, 2001, respectively. Respondents have not filed a petition for review with the Clerk of the Board within 35 days of the date of service (*i.e.*, on or before April 12, 2001, and April 11, 2001, respectively) as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that respondents have violated the provisions of the Act alleged in the administrative citation, which is attached hereto.

It is hereby ordered that:

1. Respondents must pay a civil penalty in the amount of \$500 within 30 days of the date of this order, that is, on or before May 19, 2001.
2. Payment must be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case

name, and respondents' social security number or federal employer identification number should also be included on the check or money order.

3. The check or money order and the remittance form must be sent to:

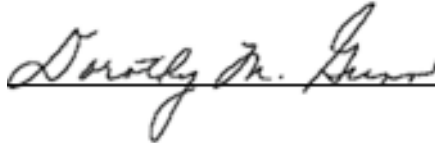
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of April 2001 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board