

ILLINOIS POLLUTION CONTROL BOARD
August 3, 1995

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 95-44
) (IEPA No. 363-95-AC)
) (Administrative Citation)
ALLIED WASTE INDUSTRIES)
OF ILLINOIS, INC. d/b/a)
STREATOR AREA LANDFILL,)
INC.,)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon the June 13, 1995 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Allied Waste Industries of Illinois, Inc. d/b/a Streator Area Landfill, Inc. (Allied) on June 12, 1995. The Agency alleges that on April 17, 1995, Allied, present owner and/or operator of a facility located in Livingston County and commonly known to the Agency as Streator Area Landfill #3, violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Allied has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Allied has violated the provisions alleged in the Administrative Citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Allied shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,500.00, which is to be sent to:

Fiscal Services
Illinois Environmental Protection Agency
2200 Churchill Road, P. O. Box 19276
Springfield, Illinois 62794-9276

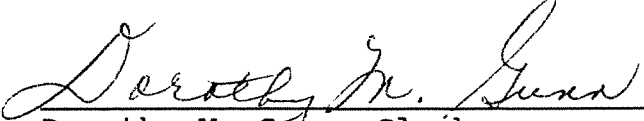
- 2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Numbers on the certified check or money order.
- 3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
- 4. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 3rd day of August, 1995, by a vote of 5-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board



State of Illinois
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

217/782-5544

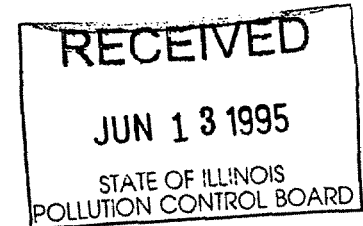
June 9, 1995

2200 Churchill Road, Springfield, IL 62794-9276

CERTIFIED MAIL

No.: Z 250 051 306

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, Illinois 60601



Dear Ms. Gunn:

Re: Administrative Citation
Respondent: Allied Waste Industries of Illinois, Inc.
d/b/a Streator Area Landfill, Inc.
IEPA Case No.: 363-95-AC
Site Code No.: 1054900003

AC 95-44

Enclosed for filing with the Board is the Administrative Citation package issued to the above captioned facility. I am forwarding one complete copy which includes: 1) The Administrative Citation, 2) a copy of the field investigator's inspection report form, with accompanying photographs, 3) the field inspector's Affidavit, and 4) a Remittance Form. I am also enclosing nine additional copies of the Administrative Citation itself and our pink notice.

This facility is a sanitary landfill operating under a permit issued by the Agency. The Agency considers the permit sufficient notice of the regulations.

For your records, the Citation package was mailed to Respondent on June 9, 1995, certified mail, return receipt requested. As soon as I receive the green receipt card back, I will notify you so that your files reflect the exact date of service in order to calculate the thirty-five days after which the Board can enter the required Default Order if a Petition for Review has not been filed. If the Respondent pays the civil penalty without filing a Petition for Review, I will so notify your office for your records. Respondent is being served at:

Allied Waste Industries of Illinois, Inc.
d/b/a Streator Area Landfill, Inc.
P. O. Box 755
Streator, IL 61364

Thank you for your assistance.

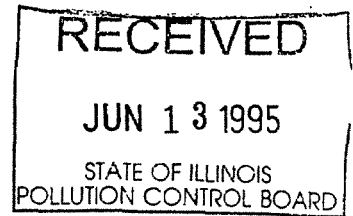
Sincerely,

A handwritten signature in black ink that reads "Todd Rettig". The signature is written in a cursive style with a large, sweeping initial "T".

Todd Rettig
Associate Counsel
Division of Legal Counsel

Enclosures

TR:BD:AC-363.95



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.)
ALLIED WASTE INDUSTRIES OF ILLINOIS, INC.)
d/b/a STREATOR AREA LANDFILL, INC.,)
Respondent.)

AC 95-44
(IEPA No. 363-95-AC)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, (1992).

FACTS

1. That Respondent, Allied Waste Industries of Illinois, Inc. d/b/a Streator Area Landfill, Inc. is the present operator of a facility located in the County of Livingston, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1992-246-LF, and designated with Site Code No.1054900003. Said facility is commonly known to the Agency as Streator Area Landfill #3.

3. That Respondent has owned or operated said facility at all times pertinent hereto.

4. That on April 17, 1995, Deborah Johnson, of the Illinois Environmental Protection Agency, inspected the above-described landfill facility. A copy of the inspection report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Deborah Johnson, the Illinois Environmental Protection Agency has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to 415 ILCS 5/21(d), (1992), in a manner which resulted in the following conditions:

A. That on April 17, 1995 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- (1) Refuse in standing or flowing water, in violation of 415 ILCS 5/21(o)(1), (1992).
- (2) Uncovered refuse remaining from a previous operating day, in violation of 415 ILCS 5/21(o)(5), (1992).
- (3) Failure to collect and contain litter from the site by the end of each operating day, in violation of 415 ILCS 5/21(o)(12), (1992).

CIVIL PENALTY

Pursuant to 415 ILCS 5/42(b)(4), (1992), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph A, for a total of One Thousand Five Hundred Dollars (\$1,500.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution

Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than July 21, 1995. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received. Furthermore, if payment is not received when due, the Office of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs

of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, if any, the Attorney General's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See 415 ILCS 5/31.1, (1992). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Illinois Environmental Protection Agency. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and, a copy of said Petition for Review filed with the Illinois Environmental Protection Agency at 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, Attention: Division of Legal Counsel.

Mary A. Gade

Mary A. Gade, Director *to whom*
Illinois Environmental Protection Agency

Prepared by: Todd Rettig
Illinois Environmental
Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

Date: 6-9-95

REMITTANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.)
ALLIED WASTE INDUSTRIES OF ILLINOIS, INC.)
d/b/a STREATOR AREA LANDFILL, INC.,)
Respondent.)

AC 95-44
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FACILITY: Streator Area #3 SITE CODE NO.: 1054900003
COUNTY: Livingston CIVIL PENALTY: \$1,500.00
DATE OF INSPECTION: April 17, 1995

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, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276.