

ILLINOIS POLLUTION CONTROL BOARD
March 23, 1995

COUNTY OF MACON,)	
)	
Complainant,)	
)	AC 94-100
v.)	(File No. EPA-#94-6)
)	(Administrative Citation)
MACON COUNTY LANDFILL,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J. Yi):

On March 17, 1995, the Macon County Landfill filed a motion to withdraw its January 3, 1995 petition for review of this administrative citation. The motion is granted and the petition for review is dismissed. The Board will accordingly enter its final order concerning the administrative citation.

This matter comes before the Board upon a December 15, 1994 filing of an administrative citation pursuant to Section 21(0)(5) 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 Macon County Landfill on January 31, 1995. The Agency alleges that on November 17, 1994, Macon County Landfill, present operator of a facility located in Macon County, violated Section 21(0)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Pursuant to Section 31.1(d)(1), the Board finds that Macon County Landfill has violated the provisions alleged in the administrative citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

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

Macon County Clerk
253 E. Wood Street
Decatur, Illinois 62523

2. Respondent shall include the remittance form and write the case name and number and his social security or federal

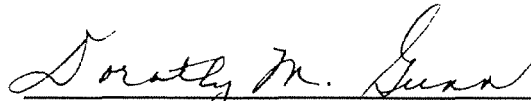
Employer Identification Number on the certified check or money order.

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.

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 23rd day of March, 1995, by a vote of 4-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

STATE OF ILLINOIS
COUNTY OF MACON

ADMINISTRATIVE CITATION

COUNTY OF MACON, ILLINOIS)	<i>AC 54-100</i> State's Attorney's File File No. EPA-#94-6
and)	
)	
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY)	
v.)	
)	
MACON COUNTY LANDFILL,)	
Respondent.)	

ADMINISTRATIVE CITATION

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Illinois Compiled Statutes 1992 (415 ILCS 5/31), and delegated to the County of Macon pursuant to 415 ILCS 5/4 (r).

FACTS

1. That Respondent, Macon County Landfill, is the present operator of a facility located in the County of Macon, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit Nos. 19991-068, and designated with site code No. LPC #1158040008.

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

4. That on November 17, 1994, Inspectors of the County of Macon, Public Health Department 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

5. On basis of direct observation of said inspectors, the County of Macon 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, in a manner which resulted in the following conditions:

In violation of 415 ILCS 5/21(0)(5) the Respondent, without any authorization by permit to keep uncovered refuse from any previous operating day or at the conclusion of any previous operating day, did conduct the said sanitary landfill in a manner which resulted in uncovered refuse remaining from a previous operating day or at the conclusion of a previous operating day.

CIVIL PENALTY

6. Pursuant 415 ILCS 5/42 (b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified in 415 ILCS 5/21 (o)(p), for a total of \$500.00 for each violation. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

7. If you acknowledge cited hereinabove, the civil penalty specified above shall be due and payable no later than January 9, 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 County of Macon and should be mailed to Macon County Clerk at 253 E. Wood Street, Decatur, Illinois 62523.

8. 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. Furthermore, if payment is not received when due, the Macon County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

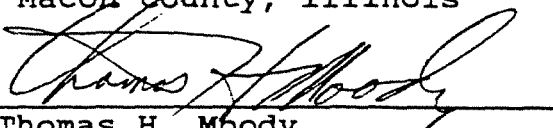
9. You have the right to contest this Administrative Citation under 415 ILCS 5/31.1. If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Macon County State's Attorney, 253 E. Wood Street, Decatur, Illinois 62523. 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 Macon County State's Attorney, 253 E. Wood Street, Decatur, Illinois 62523.

County of Macon, Illinois

By:

Lawrence R. Fichter,
State's Attorney of
Macon County, Illinois

By:


Thomas H. Moody
Assistant State's Attorney
Macon County, Illinois

Date: December 8, 1994

Lawrence R. Fichter
Macon County State's Attorney
253 E. Wood Street
Decatur, Illinois
(217) 424-1400

(4)

THIS FILING IS SUBMITTED ON RECYCLED PAPER

REMITTANCE FORM

COUNTY OF MACON,)	
)	
Complainant,)	
)	AC 94-100
v.)	(File No. EPA-#94-6)
)	(Administrative Citation)
MACON COUNTY LANDFILL,)	
)	
Respondent.)	

FACILITY: Macon County Landfill SITE CODE #: 1158040008

COUNTY: Macon CIVIL PENALTY: \$500.00

DATE OF INSPECTION: November 17, 1994

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, made payable to the County of Macon, is enclosed and mail it, along with the Remittance Form to: Macon County Clerk, 253 E. Wood Street, Decatur, Illinois 62523.

