

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

WILLIAMSON COUNTY SOLID WASTE)
OFFICE,)
)
Complainant,)
)
v.) AC 93-59
) (Administrative Citation)
MARVIN COUEY,)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a November 29, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Williamson County. 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 Marvin Couey on November 26, 1993. Williamson County alleges that on November 16, 1993, Marvin Couey, present owner and/or operator of a facility located in Williamson County, and commonly known to the Agency as Marvin Couey open dump, violated Section 21(p)(3) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Marvin Couey 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 Marvin Couey has violated the provision 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 Marvin Couey shall, by certified check or money order payable to the Williamson County Treasurer, pay a penalty in the amount of \$500.00, which is to be sent to:

Williamson County Treasurer
200 W. Jefferson Street
Marion, Illinois 62959



ADMINISTRATIVE CITATION

WILLIAMSON COUNTY SOLID WASTE OFFICE)
Complainant,)
v.)
Marvin Couey)
Respondent.)

Ac 93-59

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1987, ch. 111 1/2, para. 1031.), (recompiled as 415 ILCS 5/1-56.6) and delegated to Williamson County pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, para. 1004(r), (recompiled as 415 ILCS 5/1-56.6).

FACTS

1. That Respondent, Marvin Couey, is the present owner and/or operator of a facility located in the County of Williamson, State of Illinois.
2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with Side Code No. 1998530003. Said facility is commonly known to the County as Marvin Couey open dump.

Respondent shall be assessed the associated hearing costs incurred by Williamson County 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 January 04, 1994. 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 Williamson County Treasurer, 200 W. Jefferson St., Marion, Il. 62959. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

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. If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing is not paid when due, the Office of the Williamson County State's Attorney 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 Williamson County and

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1994

IN THE MATTER OF:)

PETITION OF THE CITY OF EAST MOLINE AND)
THE ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY FOR ADJUSTED STANDARD FROM)
35 ILL. ADM. CODE 304)

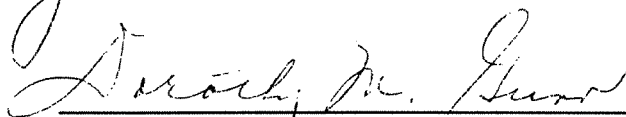
AS 91-9
(Adjusted Standard)

ORDER OF THE BOARD (by R. C. Flemal):

This matter comes before the Board on a December 29, 1993 filing of an amended joint petition. The Board hereby accepts the amended petition.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 6th day of January, 1994, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board