

ILLINOIS POLLUTION CONTROL BOARD  
April 23, 1992

OGLE COUNTY HEALTH DEPARTMENT, )  
 )  
 Complainant, )  
 )  
 v. ) AC 92-14  
 ) (County No. 92-B-1002)  
 BROWNING FERRIS INDUSTRIES, ) (Administrative Citation)  
 )  
 Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a February 27, 1992 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Ogle County Health Department. 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 Browning Ferris Industries on February 27, 1992. The Ogle County Health Department alleges that on December 31, 1991, Browning Ferris Industries, present owner and/or operator of a facility located in the County of Ogle, and commonly known to the Agency as BFI/Davis Junction Landfill, violated Section 21(o)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Browning Ferris Industries 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 Browning Ferris Industries 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 Browning Ferris Industries shall, by certified check or money order payable to the Ogle County Treasurer, pay a penalty in the amount of \$500.00 which is to be sent to:

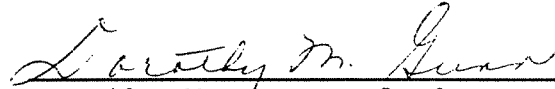
Ogle County Treasurer  
Ogle County Courthouse  
P.O. Box 40  
Oregon, Illinois 61061

2. Respondent shall include the remittance form and write the case name and number and their 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.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111½, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 23<sup>rd</sup> day of April, 1992, by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board