

ILLINOIS POLLUTION CONTROL BOARD
February 25, 1993

COUNTY OF WILL,)
)
 Complainant,)
)
 v.) AC 93-1
) (County No. WC 92 AC 2)
 AMERICAN FLY ASH COMPANY,) (Administrative Citation)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a January 5, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Will. 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 American Fly Ash on January 5, 1993. The County of Will alleges that on November 30, 1992, American Fly Ash, present owner and/or operator of a facility located in Will County and commonly known to the Agency as American Fly Ash Company, violated Section 21(o)(9) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

American Fly Ash 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 American Fly Ash 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 American Fly Ash shall, by certified check or money order payable to the County of Will, pay a penalty in the amount of \$500.00, which is to be sent to the attention of:

Kathy Sachtleben
Waste Services Analyst
Will County Land Use Department
Solid Waste Division
501 Ella Avenue
Joliet, Illinois 60433

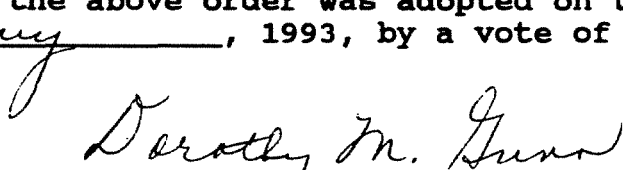
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2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest 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. 111-1/2, 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 25th day of February, 1993, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board