

ILLINOIS POLLUTION CONTROL BOARD
August 8, 1991

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 90-26 Dockets A & B
)	(IEPA Case No. 134-90-AC)
)	(Administrative Citation)
ESG WATTS, INC., a foreign)	
Corporation licensed in)	
Illinois)	
)	
Respondent.)	

ORDER OF THE BOARD (By J. C. Marlin):

This matter comes before the Board on a July 30, 1991 motion to amend Administrative Citation filed by the Illinois Environmental Protection Agency (Agency), and a July 31, 1991 response to Agency motion to amend Administrative Citation filed by ESG Watts, Inc. In support of its motion to amend the Agency states that it has agreed with respondent to delete the two alleged violations of Section 21(p)(12) of the Environmental Protection Act (Act). In addition, the Agency wishes to amend the civil penalty to reflect the reduction in alleged violations.

ESG Watts response supports the Agency's motion and further agrees and moves to withdraw its Petition for Review contesting the remaining counts in the Administrative Citation.

The Agency's motion to amend the number of alleged violations and the amount of the requested civil penalty is granted. ESG Watts motion to withdraw its Petition for Review is also granted.

On March 30, 1990, the Agency filed an Administrative Citation pursuant to Section 31.1 of the Act. 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 ESG Watts, Inc. on March 28, 1990. The Agency alleges in the amended Administrative Citation that ESG Watts, Inc., present owner and/or operator of a facility located in Sangamon County and commonly known to the Agency as Sangamon Valley Landfill, on January 29, 1990, violated Sections 21(p)(1) and 21(p)(5) of the Act and that on February 9, 1990, violated Section 21(p)(1), 21(p)(2), 21(p)(3), and 21(p)(5) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

ESG Watts, Inc. has withdrawn its Petition for Review in this matter. Therefore, pursuant to Section 31.1(d)(1), the Board finds that ESG Watts, Inc. has violated each and every provision alleged in the amended Administrative Citation. Since there are six (6) such violations, the total penalty to be imposed is set at \$3,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order, ESG Watts, Inc. shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$3,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL 62706

Respondent shall also place their Social Security Number or Federal Employer Identification Number upon the certified check or money order.

Any such penalties not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003), from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal, during which payment of the penalty is stayed.

Docket A in this matter is hereby closed. The Clerk of the Board is hereby ordered to open Docket B in this matter.

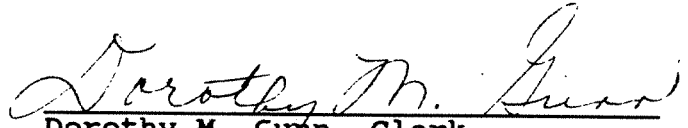
Within 30 days of this Order, the Agency shall file a statement of its hearing costs, supported by an affidavit, with the Board and with service upon Respondent. Within the same 30 days, the Clerk of the Pollution Control Board shall file a statement of the Board's costs, supported by affidavit and with service upon Respondent. Such filings shall be entered in Docket B in this matter.

Respondent is hereby given leave to file a reply/objection to the filings as ordered in the above paragraph within 45 days of this Order.

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 8th day of August, 1991, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board