

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1991

LOGAN COUNTY HEALTH DEPARTMENT,)
)
 Complainant,)
)
 v.) AC 91-22
) (Case No. LCHD 9103-AC-1)
) (Administrative Citation)
 LINCOLN/LOGAN LANDFILL, INC.,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a May 3, 1991 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Logan 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 Lincoln/Logan Landfill on May 2, 1991. The Logan County Health Department alleges that on March 8, 1991, Lincoln/Logan Landfill, present owner and/or operator of a facility located in Logan County and commonly known to the Agency as Lincoln/Logan Landfill, violated Sections 21(p)(5) and 21(p)(11) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Lincoln/Logan Landfill 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 Lincoln/Logan Landfill has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Lincoln/Logan Landfill shall, by certified check or money order payable to the Logan County Health Department, pay a penalty in the amount of \$1,000.00, which is to be sent to:

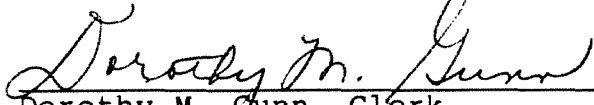
Director of Financial Services
Logan County Health Department
2120 W. 5th Street Road
Lincoln, Illinois 62656

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 $\frac{1}{2}$, 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 20th day of June, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

LOGAN COUNTY HEALTH DEPARTMENT
ADMINISTRATIVE CITATION



LOGAN COUNTY HEALTH DEPARTMENT)
)
 vs.)
)
 LINCOLN/LOGAN LANDFILL, INC.)
 Respondent)

Ac 91-22
LCHD 9103-AC-1

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Logan County Health Department by Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 1031.1.

FACTS

1. That Respondent, is the present owner and/or operator of a facility located in the County of Logan, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1972-74-DE/OP (Supplemental Permit No. 1989-204-SP), and designated with Site Code No. 1078020002.
3. That Respondent has owned or operated said facility at all times pertinent hereto.
4. That on 8 March, 1991, Jay F. Gaydosh, Solid Waste Enforcement Officer of the Logan County 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

On the basis of direct observation of Jay F. Gaydosh, the Logan County Health Department has determined that Respondent was conducting a sanitary landfill operation at the above described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1987, Ch. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

A. That on 8 March, 1991 an on-site inspection of said sanitary landfill facility and a review of Illinois Environmental Protection Agency files and records of said facility disclosed the following:

(i) Uncovered refuse remaining from a previous operating day in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(p)(5).

(ii) Failure to submit reports required by permits or Board regulations ch. 111 1/2, par. 1021(p)(11).

CIVIL PENALTY

Pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) each for the violation(s) specified above in Paragraph A and subparagraphs thereunder. Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described hereinafter, and if there is a

finding of the violation(s) alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Logan County Health Department and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty.

If you acknowledge the violation cited above, the civil penalty specified above shall be due and payable no later than thirty-five (35) days from the date of service of the Administrative Citation. 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 Logan County Health Department and mailed to the attention of Director of Financial Services, Logan County Health Department, 2120 W. 5th Street Rd., Lincoln, IL 62656. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

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 Logan County State's Attorney or Office of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, and hearing

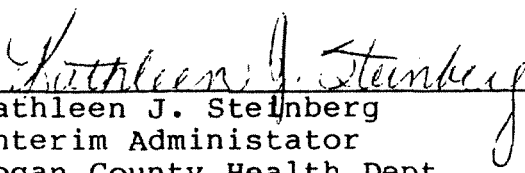
costs of the Logan County Health Department and the Illinois Pollution Control Board, if any, the Logan County State's Attorney or Attorney General's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1031.1. 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 Logan County Health Department. 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 Logan County Health Department at 2120 W. 5th Street Road, Lincoln, Illinois 62656., Attention: Enforcement Services.

DATED:

4-30-91


Kathleen J. Steinberg
Interim Administrator
Logan County Health Dept.

Prepared by: Logan County State's Attorney
John W. Turner
Room 31
Logan County Courthouse
Lincoln, IL 62656
217/732/2184

LOGAN COUNTY HEALTH DEPARTMENT
REMITTANCE FORM

LOGAN COUNTY HEALTH DEPARTMENT)
)
 vs) LCHD 9103-AC-1
)
LINCOLN/LOGAN LANDFILL, INC.)
 Respondent)

FACILITY: Lincoln/Logan SITE CODE NO.: 1078020002
 Landfill, Inc.

COUNTY: Logan CIVIL PENALTY: \$500.00 each offense
 Number of offenses: 2
 Total Remittance \$1,000.00

DATE OF INSPECTION: March 8, 1991

DATE REMITTED: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Logan County Health Department, Director of Financial Services, 2120 West 5th Street Rd., Lincoln, IL 62656