

ILLINOIS POLLUTION CONTROL BOARD
June 20, 1991

COUNTY OF JACKSON,)
)
 Complainant,)
)
 v.) AC 91-23
) (Case No. None)
) (Administrative Citation)
 EVERETT ALLEN d/b/a ALLEN)
 WASTE MANAGEMENT,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a May 6, 1991 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Jackson. 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 Everett Allen on May 7, 1991. The County of Jackson alleges that on April 11, 1991, Everett Allen, present owner and/or operator of a facility located in Jackson County, and commonly known to the Agency as Desoto/Allen No. 2, violated Section 21(p)(11) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Everett Allen 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 Everett Allen 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 Everett Allen shall, by certified check or money order payable to the Jackson County Treasurer, pay a penalty in the amount of \$500.00 which is to be sent to:

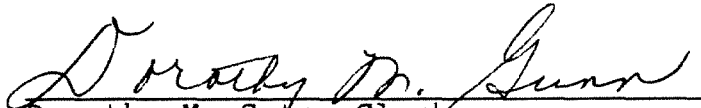
Shirley Booker
Jackson County Treasurer
Jackson County Courthouse
Murphysboro, Illinois 62966

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.

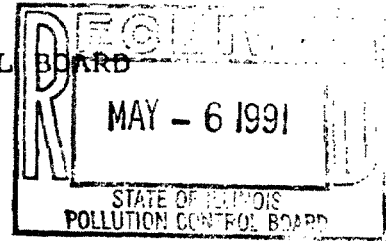
Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION



COUNTY OF JACKSON,)
)
 Complainant,)
)
 EVERETT ALLEN d/b/a/)
 ALLEN WASTE MANAGEMENT,)
)
 Respondent.)

AC-91-23

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by the provisions of Chapter 111 1/2, Section 1031.1, Illinois Revised Statutes, 1990, and delegated to Jackson County pursuant to Chapter 111 1/2, Section 1004(r) and DELEGATION AGREEMENT between the Illinois Environmental Protection Agency and Jackson County, dated March 2, 1989.

FACTS

1. Respondent, Everett Allen d/b/a Allen Waste Management, is the present operator of a facility located in the County of Jackson, State of Illinois.

2. Said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1976-44-OP, and designated with Site Code No. 077 0200002. Said facility is commonly known to the agency as DeSoto/Allen No. 2.

3. That Respondent has operated said facility at all times pertinent hereto.

4. On April 11, 1991, George Browning, Field Inspector

Jackson County Health Department, inspected the above described sanitary landfill. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof, marked Exhibit A.

VIOLATIONS

On the basis of direct observation of George Browning, the County of Jackson has determined that Respondent was conducting a sanitary landfill operation at the above described facility, which is required to have a permit pursuant to Illinois Revised Statutes, 1990, Chapter 111 1/2, Section 1021(d), in a manner which resulted in the following conditions.

A. Inspection of said sanitary landfill facility on April 11, 1991, disclosed the following:

1. Said Respondent is operating said sanitary landfill while failing to submit reports required by permits or Board Regulations. The Respondent has not submitted an approved closure/post closure plan. In violation of Illinois Revised Statutes, 1990, Chapter 111 1/2, Section 1021(p)(11) of the Act.

CIVIL PENALTY

Pursuant to Illinois Revised Statutes, 1990, Chapter 111 1/2, Section 1042(b)(4), Respondent herein is subject to a civil penalty of five hundred dollars (\$500.00) for each violation specified above in Paragraph A(1), for a total of five hundred dollars (\$500.00). Additionally, should you elect to petition the Illinois

Pollution Control Board under the review process described herein below and if there is a finding of the violation alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency 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 herein above, the civil penalties specified above shall be due and payable no later than June 7, 1991. 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.

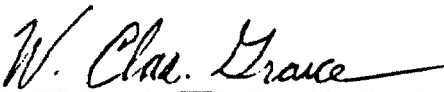
When payment is made your check should be made payable to the Jackson County Treasurer and mailed to the attention of Shirley Booker, Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois, 62966.

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 Jackson County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the

previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney will seek to recover his costs of litigation.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Illinois Revised Statutes, 1990, Chapter 111 1/2, Paragraph 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 Jackson County State's Attorney, attention W. Charles Grace at the Jackson County Courthouse, Murphysboro, Illinois, 62966. 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 State's Attorney at the Jackson County Courthouse, Murphysboro, Illinois, 62966.



W. Charles Grace
Jackson County State's Attorney

DATED this 3rd day of May, 1991.

REMITTANCE FORM

COUNTY OF JACKSON,)	
)	
Complainant,)	
v.)	AC 91-23
)	(County No. None)
EVERETT ALLEN d/b/a ALLEN)	
WASTE MANAGEMENT,)	
)	
Respondent.)	

FACILITY: Desoto/Allen #2	SITE CODE NO.:	0770200002
COUNTY: Jackson	CIVIL PENALTY:	\$500.00
DATE OF INSPECTION: April 11, 1991		

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form to: Shirley Booker, Jackson County Treasurer, Jackson County Courthouse, Murphysboro, Illinois 62966.