

ILLINOIS POLLUTION CONTROL BOARD
June 8, 2000

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 00-76
)	(IEPA No. 151-00-AC)
KNOX COUNTY LANDFILL)	(Administrative Citation)
COMMITTEE d/b/a KNOX COUNTY)	
LANDFILL #3, and THOMAS D.)	
WAGHER, an individual,)	
)	
Respondents.)	

ORDER OF THE BOARD (by C.A. Manning):

On April 10, 2000, complainant properly and timely filed an administrative citation with the Board pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)), alleging that respondent violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (1998)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (1998).

On June 5, 2000, complainant filed a motion for default judgment. Complainant acknowledged that it had not received return receipts from the United States Postal Service. Complainant states that "counsel for the Environmental Protection Agency (Agency) has checked with the Agency's Fiscal Services Division, and has confirmed that respondents have paid the statutory monetary penalty payment of \$500 as required." Mot. at 1. Complainant also alleges in its motion that "respondents' timely payment of the administrative citation suggest that they do not wish to file a petition to contest the administrative citation." Mot. at 2.

In this matter, respondents have not filed a petition for review with the Clerk of the Board within 35 days of the date of service as required by Section 31.1(d)(1) of the Act., *i.e.* on or before May 18, 2000. 415 ILCS 5/31.1(d)(1) (1998). The Board grants complainant's motion for default judgment. The Board finds that respondent has violated the provisions alleged in the administrative citation, which is attached hereto. Since there is one such violation, the total penalty to be imposed is \$500.

It is hereby ordered that:

1. Respondent shall pay a civil penalty in the amount of \$500 within 30 days of the date of this order.

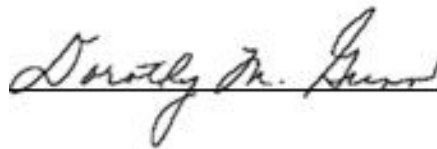
2. Payment shall be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and respondents' social security number or federal employer identification number should also be included on the check or money order.
3. The check or money order and the remittance form shall be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
4. Penalties unpaid after 30 days of the date of this order shall accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 8th day of June 2000 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board