

ILLINOIS POLLUTION CONTROL BOARD
September 7, 2000

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
) AC 00-78
 RCS, INC. and RICKIE LAIRD,) (IEPA No. 160-00-AC)
) (Administrative Citation)
 Respondents.)
)
 OPINION AND ORDER OF THE BOARD (by N.J. Melas):

This matter is before the Board on an administrative citation filed by the Illinois Environmental Protection Agency (Agency) on April 20, 2000, pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). In the administrative citation, the Agency alleges that the respondents, RCS, Inc. (RCS) and Rickie Laird (Laird), violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Act (415 ILCS 5/21(o)(1), 21(o)(5), and 21(o)(12) (1998)), by allowing refuse in standing or flowing water, allowing uncovered refuse to remain from a previous day of operation, and failing to collect and contain litter by the end of the operating day at respondents' facility. The Agency alleges that the violations occurred at a facility located at 1336 Crystal Lake Road, Jerseyville, Jersey County, Illinois. On May 22, 2000, RCS and Laird filed a petition for review of the administrative citation, which the Board accepted for hearing on June 8, 2000.

On August 24, 2000, the parties submitted a "Joint Stipulation of Settlement and Dismissal of Respondents' Petition for Administrative Review." Pursuant to the terms of the joint stipulation of settlement, RCS and Laird deny the violations as alleged in the administrative citation, deny all liability, and deny all violations of the Act (415 ILCS 5/1 et seq.) However, in order to resolve this dispute and avoid any further expense and the risks of litigation, the parties stipulate to the facts as alleged in the administrative citation, as recited on page 2 of the administrative citation. Respondent RCS agrees to pay a \$1,500 penalty. No other penalties are sought by the complainant from either respondent. Additionally, RCS and Laird move to dismiss the petition for review.

The Board grants the motion and hereby dismisses respondents' petition for review. Pursuant to Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1998)), the Board finds that RCS and Laird violated the provisions alleged in the administrative citation. 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). Since there are three such violations, the total penalty is \$1,500.

ORDER

1. Respondents' petition for review is hereby dismissed.
2. The Board finds that Respondents' violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Act (415 ILCS 5/21(o)(1), 21(o)(5), and 21(o)(12)).
3. It is hereby ordered that RCS must, by no later than October 7, 2000, by certified check or money order pay a penalty in the amount of \$1,500. Respondent Rickie Laird shall pay no civil penalty. The certified check or money order must be payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and must be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East

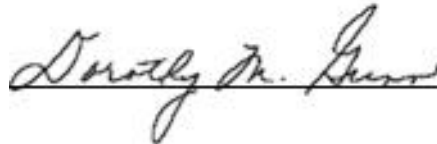
P.O. Box 19276
Springfield, Illinois 62794-9276

4. The certified check or money order must clearly indicate on its face the case name and number and federal employer identification number.
5. RCS and Laird must cease and desist from further violation of the Act and Board regulations.

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 opinion and order was adopted on the 7th day of September 2000 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board