

ILLINOIS POLLUTION CONTROL BOARD
September 17, 1987

IN THE MATTER OF:)
ALORTON/SUMMRALL) AC 87-82
) (87-3AC)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon an August 13, 1987 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of St. Clair. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Alorton/Summrall on August 14, 1987. The County of St. Clair alleges that Alorton/Summrall has violated Sections 21(p)(5), 21(p)(7), 21(p)(4) and 21(p)(9) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Alorton/Summrall 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 Alorton/Summrall has violated each and every provision alleged in the Administrative Citation. Since there are four (4) such violations, the total penalty to be imposed is set at \$2,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Alorton/Summrall shall, by certified check or money order payable to the Landfill Citation Fund, pay a penalty in the amount of \$2,000.00, which is to be sent to:

Paul Haas
County Collector
10 Public Square
Belleville, Illinois 62220

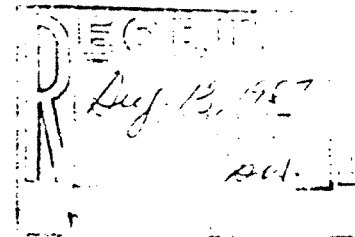
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of September, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS
COUNTY OF ST. CLAIR



ADMINISTRATIVE CITATION

IN THE MATTER OF:)
)
)
ALORTON/SUMMRALL)
Gerardo Summrali)
2213 Tudor Avenue)
East St. Louis, IL 62207)
)
An Unpermitted Landfill)
Operating in Illinois)

AC-87-82

(87-3 AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1020 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.), and delegated to St. Clair County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1034 (n).

FACTS

1. That Respondent is the present operator of a facility located in the County of St. Clair, State of Illinois.
2. That said facility is operated as an unpermitted landfill and is commonly known to the Agency as Alorton/Summrali.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on July 16 and July 17, 1987, Donald R. Brannon, of the County of St. Clair, inspected the above-described landfill facility. A copy of the Inspection Reports setting forth the results of such inspections are attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Donald Brannon, the County of St. Clair has determined that Respondent was conducting a landfill operation at the above-described facility, which is required to have permit pursuant to Ill. Rev. Stat. 1986, ch. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

- A. On July 16 & 17, 1987, operated said landfill facility with uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (5).
- B. On July 16 & 17, 1987, operated said landfill facility with acceptance of wastes without necessary permits, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (7).
- C. On July 16 & 17, 1987, operated said landfill facility with open burning of refuse in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (4).
- D. On July 16 & 17, 1987, operated said landfill facility with the deposition of refuse in any unpermitted portion of the landfill in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (9).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1042(b) (4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A, B, C, and D for a total of Two Thousand Dollars (\$2000.00). Additionally, should you elect to petition the Illinois Pollution Control Board under the review

process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by 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 hereinabove, the civil penalty specified above shall be due and payable no later than September 14, 1967. If payment is not received by such date, this citation will be forwarded to the Illinois Environmental Protection Agency for judgement. If you do not petition the Illinois Pollution Control Board for review of this Administration Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgement 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 LANDFILL CITATION FUND and mailed to Paul Haas, County Collector, #10 Public Square, Belleville, Il 62220.

If any civil penalty, by reason of acknowledgement, 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 St. Clair 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

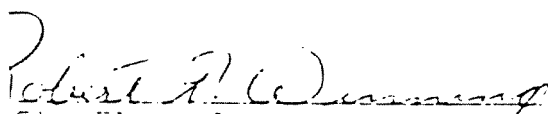
Control Board, if any; the State's Attorney will seek to recover their costs of litigation.

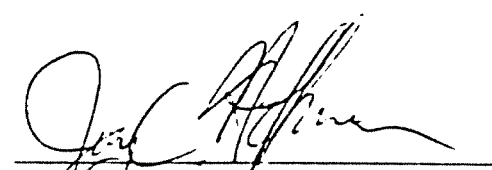
PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1720 (Ill. Rev. Stat. 1986, Supp., 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 St. Clair County State's Attorney, Attention, John Baricevic, at the St. Clair County Courthouse. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgement 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 St. Clair County Courthouse.

JOHN BARICEVIC
State's Attorney

August 6, 1987


Robert A. Cunningham
St. Clair County
Public Health

BY: 
JAY HOFFMAN
Assistant State's Attorney