

ILLINOIS POLLUTION CONTROL BOARD
December 7, 2000

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-10
)	(IEPA No. 456-00-AC)
ENVIRONMENTAL RECLAMATION)	(Administrative Citation)
COMPANY d/b/a ERC LANDFILL and)	
LARRY SHILLING,)	
)	
Respondents.)	

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

On October 19, 2000, the Illinois Environmental Protection Agency filed an administrative citation with the Board against Environmental Reclamation Company d/b/a ERC Landfill and Larry Shilling, pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)). The administrative citation alleges that respondents conducted a sanitary landfill in a manner which resulted in uncovered refuse remaining from a previous operating day at the facility located along Route 316 West in Charleston, Coles County, Illinois in violation of 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)(4-5) (1998).

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. 415 ILCS 5/31.1(d)(1) (1998). Accordingly, the Board finds that respondents have violated the provision 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. Respondents shall pay a civil penalty in the amount of \$500 within 30 days of the date of this order, that is, on or before January 6, 2001.
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:

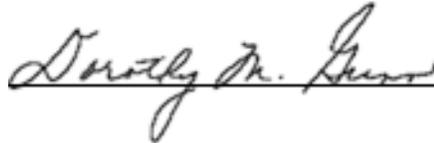
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

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 7th day of December 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