

ILLINOIS POLLUTION CONTROL BOARD  
August 19, 1999

COUNTY OF SANGAMON,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 98-4
	)	(SCDPH 97-AC-1)
ESG WATTS, INC.,	)	(Administrative Citation)
	)	
Respondent.	)	

ROBERT L. SMITH AND DWAYNE GAB, ASSISTANT STATE'S ATTORNEYS, APPEARED ON BEHALF OF THE COUNTY OF SANGAMON; and

LARRY A. WOODWARD APPEARED ON BEHALF OF ESG WATTS, INC.

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

This matter comes before the Board on an administrative citation issued by complainant, the County of Sangamon (County), to respondent, ESG Watts, Inc. (ESG Watts). The County alleges that a June 5, 1997 inspection of the Sangamon County Landfill revealed that ESG Watts violated Sections 21(o)(6) and 21(o)(9) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(o)(6), 21(o)(9) (1998)) by failing to place six feet of final cover on the landfill, and failing to remove 300,000 cubic yards of waste that had been disposed of in unpermitted portions of the landfill.

Pursuant to Section 31.1 of the Act, ESG Watts filed a petition for review with the Board on August 22, 1997. A hearing on the administrative citation was held on December 7, 1998.

On June 17, 1999, the Board entered an interim opinion and order finding that ESG Watts violated Sections 21(o)(6) and 21(o)(9) of the Act. The Board found that the County and the Board were entitled to hearing costs pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1998)). The County and the Clerk of the Board were ordered to file affidavits of such costs with the Board, and to serve the affidavits upon ESG Watts within 15 days of the date of the Board order. The Board granted ESG Watts 14 days from the date of receipt of the affidavits to file a reply, but in no event later than 40 days after the date of the interim order. The Board stated that it would thereafter issue a final order assessing the statutory penalty and any appropriate costs.

The County did not submit an affidavit of costs. The Board served an affidavit of costs on ESG Watts by first class mail on June 22, 1999. ESG Watts has not responded to the Board's costs. Accordingly, the Board orders ESG Watts to pay the Board's hearing costs of \$197.50 in addition to the statutory penalty of \$500 per violation, for a total civil penalty of \$1,000.

It is hereby ordered that:

1. The Board finds that respondent, ESG Watts, Inc., violated Sections 21(o)(6) and 21(o)(9) of the Illinois Environmental Protection Act (415 ILCS 5/21(o)(6), 21(o)(9) (1998)), and assesses the statutory penalty of \$500 per violation, for a total civil penalty of \$1,000.
2. ESG Watts must pay the \$1,000 penalty within 30 days of the date of this order. For this penalty, ESG must make a certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Illinois Environmental Protection Trust Fund, in the amount of \$1,000. ESG Watts must send the certified check or money order by first class mail to:

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

ESG Watts must include the remittance form from the administrative citation and write the case name and number and its tax identification number on the certified check or money order.

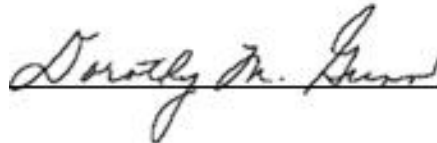
3. Within 30 days of the date of this order, ESG Watts must also reimburse the Board for hearing costs incurred in the total amount of \$197.50 by certified check or money order made payable to the Treasurer of the State of Illinois, for deposit in the General Revenue Fund. ESG Watts must send the payment by first class mail to the Illinois Environmental Protection Agency at the address set forth in paragraph 2 above. ESG Watts must write the case name and number and its tax identification number on the certified check or money order.
4. Any penalties unpaid after the due date will 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 either violation continues.

This docket is hereby closed.

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 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 19th day of August 1999 by a vote of 7-0.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board