

ILLINOIS POLLUTION CONTROL BOARD  
October 16, 1997

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 94-83
	)	(Enforcement - Land)
GEORGE RIBBLE,	)	
	)	
Respondent.	)	

OPINION AND ORDER OF THE BOARD (by M. McFawn):

This matter comes before the Board upon a four-count complaint filed on March 3, 1994, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against George Ribble (respondent), located in the Northeast Quarter of Section 26, Township 11 North, Range 9 West (Barr Township), Macoupin County, Illinois. The complaint alleges that respondent violated Sections 55(a)(1), 55(a)(2), 55(a)(5), 55(a)(6), and 55(d)(2) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/55(a)(1), 55(a)(2), 55(a)(5), 55(a)(6), 55(d)(2) (1996)), 35 Ill. Adm. Code 808.121, 807.201, and 807.202 by causing or allowing the open dumping of used tires, by causing or allowing the operation of a used tire disposal site without filing a tire removal agreement or entering into a consensual removal action agreement, by failing to determine whether waste generated was a Special Waste, and by causing or allowing the unpermitted consolidation of waste and conducting a waste management operation without a permit.

On September 12, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the hearing requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the waiver on September 18, 1997. The Board did not receive any objections to the granting of the waiver. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondent admits the alleged violations, and agrees to pay a total civil penalty of \$7,500.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's finding of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and against George Ribble (respondent), located in the Northeast Quarter of Section 26, Township 11 North, Range 9 West (Barr Township), Macoupin County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. Respondent shall pay a total sum of \$7,500. Payment shall be made pursuant to the following schedule:
  - a. \$1,561 shall be paid as penalty and interest due in AC 90-81, within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondent's social security number, the name and number of the administrative citation (AC 90-81), and that payment is directed to the Environmental Protection Trust Fund.

- b. \$639.29 shall be paid as satisfaction of the hearing cost assessed in AC 90-81, within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the General Revenue Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondent's social security number, the name and number of the administrative citation (AC 90-81), and that payment is directed to the General Revenue Fund.

- c. The remaining \$5,299.71 shall be paid as penalty in this matter. This penalty shall be paid in quarterly installments, commencing February 1, 1998 of \$1,324.93, with payments being due on or before February 1, 1998; May 1, 1998; August 1, 1998; and November 1, 1998. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondent's social security number, and that payment is directed to the Illinois Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to:

Attorney General's Office  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

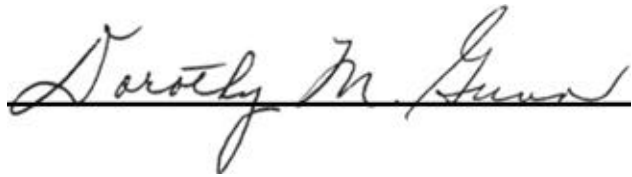
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 145 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 16th day of October 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board