

ILLINOIS POLLUTION CONTROL BOARD
October 16, 2003

CITY OF CHICAGO DEPARTMENT)	
OF ENVIRONMENT,)	
)	
Complainant,)	
)	
v.)	AC 03-11
)	(CDOE No. 02-05-AC)
CITY WIDE DISPOSAL, INC.,)	(Administrative Citation)
)	
Respondent.)	

CHARLES KING APPEARED ON BEHALF OF THE CITY OF CHICAGO DEPARTMENT OF ENVIRONMENT;
and

EDWARD W. PIROK APPEARED ON BEHALF OF CITY WIDE DISPOSAL, INC.

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

This matter comes before the Board on an administrative citation issued by the City of Chicago Department of Environment (complainant), to City Wide Disposal, Inc., (respondent). In the administrative citation the complainant alleged that respondent violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act (Act), 415 ILCS 5/21 (p)(1), (p)(7)(2002).

Pursuant to Section 31.1(d)(2) of the Act, respondent filed a petition for review with the Board on November 27, 2002. A hearing on the administrative citation was held on June 3, 2003.

On September 4, 2003, the Board entered an interim opinion and order finding that respondent violated Section 21(p)(1) and (p)(7) of the Act. The Board found that the complainant and the Board were entitled to hearing costs pursuant to Section 42(b)(4) of the Act. The complainant and the Clerk of the Board were ordered to file affidavits of such costs with the Board and to serve the affidavits upon the respondent within 14 days of the date of the Board order. The Board granted the respondent leave to file objections on October 1, 2003, stating that it would thereafter issue a final order assessing the statutory penalty and any appropriate costs.

On September 15, 2003, the Clerk of the Board submitted an affidavit stating that the Board's costs were \$453.25. To date, the complainant has not filled an affidavit of costs. The respondent has also failed to file any objections. Accordingly, the Board orders the respondent to pay the Board's hearing costs of \$453.25 in addition to the statutory penalty of \$6,000 for violating Section 21(p)(1) and (p)(7) of the Act. 415 ILCS 5/21(p)(1) and (p)(7) (2002).

This opinion and order constitutes the Board's findings of fact and conclusions of law.

ORDER

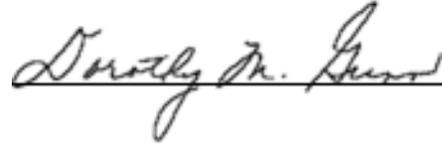
1. The Board finds that City Wide Disposal, Inc., violated Section 21(p)(1) and (p)(7) of the Environmental Protection Act. 415 ILCS 5/21(p)(1) and 21(p)(7) (2002), and assesses the statutory penalty of \$6,000 and \$453.25 in costs for a total penalty of \$6,453.25.
2. City Wide Disposal, Inc., must pay the civil penalty by certified check or money order, made payable to the City of Chicago. The case number, case name, and respondent's social security number or federal employer identification number must be included on the certified check or money order.
3. City Wide Disposal, Inc., must send the certified check or money order and the remittance form to:

City of Chicago
Department of Revenue
121 N. LaSalle, Rm 107
Chicago, IL 60601
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2000)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a)(2000)).
5. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5.41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 16, 2003, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy, M. Gunn, Clerk
Illinois Pollution Control Board