

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 94-369
) (Enforcement - Land)
LANDFILL 33 LTD., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On June 17, 1998, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 9(a), 9(c), 12(a), 21(d), 21(d)(2), 21(o)(1), 21(o)(4), 21(o)(5), 21(o)(7), and 21(o)(12) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(c), 12(a), 21(d), 21(d)(2), 21(o)(1), 21(o)(4), 21(o)(5), 21(o)(7), and 21(o)(12) (1996)) and 35 Ill. Adm. Code 807.303(a) and (b), 807.304, 807.305, 807.306, 807.310(b), 807.311, 807.312, and 807.314(c) by failing to maintain adequate daily cover, accepting special waste without receiving the necessary permits, control access to the landfill, control and collect litter, provide sufficient personnel on site, improperly compacting and spreading waste, by causing or allowing refuse to be located in standing or flowing water, burning refuse, and causing or allowing refuse to be deposited from the top down.

Pursuant to Section 31(a)(2) of the Act (415 ILCS 5/31(a)(2) (1996)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent denies the alleged violations and agrees to pay a civil penalty of \$27,500. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Landfill 33 Ltd., an Illinois corporation, concerning its facility located in Effingham County, Illinois. The stipulation

and settlement agreement is incorporated by reference as though fully set forth herein.

2. Respondent shall pay the sum of \$27,500 concluding no later than January 19, 1999. Payment shall be made pursuant to the following schedule:
 - a. \$5,000 within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
 - b. thereafter a payment of \$5,000 shall be due every thirty (30) days after the due date of the previous payment. A final payment of \$2,500 is due 180 days after the entry of this order.

Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and respondent's social security number or federal employer identification number shall also be included on the check (or money order) and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check (or money order) shall be sent by first class mail to:

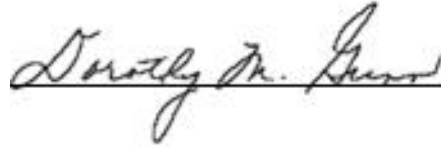
Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. 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 (199 proposal for 6)), 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.
5. 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 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 23rd day of July 1998 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written in black ink. The signature is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board