

ILLINOIS POLLUTION CONTROL BOARD
December 18, 2008

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 09-23
)	(IEPA No. 318-08-AC)
ALLIED WASTE, INC.,)	(Administrative Citation)
)	
Respondent.)	


ORDER OF THE BOARD (by G.T. Girard):

On November 14, 2008, the Illinois Environmental Protection Agency (Agency) filed an administrative citation against Allied Waste, Inc. (respondent). See 415 ILCS 5/31.1 (2006); 35 Ill. Adm. Code 108. The administrative citation concerns a property located at 825 Willard Street, Greenville, Bond County, Illinois. The property is commonly known to the Agency as the "Greenville/Bond County Landfill" site and is designated with Site Code No. 0050055055. The Agency alleged that respondent violated Section 21 (o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2006)) by operating a sanitary landfill in a manner which resulted in uncovered refuse remaining from the previous operating day or at the conclusion of any operating day.

On December 11, 2008, the Agency filed a motion to voluntarily dismiss the administrative citation. In the motion, the Agency states that it failed to serve the administrative citation on respondent within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2006); see also 35 Ill. Adm. Code 108.202(b). The Board therefore grants the Agency's motion, dismisses this case, and closes the docket. See 35 Ill. Adm. Code 108.402.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on December 18, 2008, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

NOV 14 2008

STATE OF ILLINOIS
Pollution Control Board

ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Complainant,)
))
v.)
))
ALLIED WASTE INC.,)
))
Respondent.)

AC 09-23
(IEPA No. 318-08-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2006).

FACTS

1. That Allied Waste Inc. is the permitted owner and operator of a facility located at 825 Willard Street, Greenville, Bond County, Illinois.
2. That said facility is a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 1993-188-LF, and is designated with Site Code No. 0050055055. The facility is commonly known to the Illinois Environmental Protection Agency as Greenville/Bond County Landfill.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on September 18, 2008, Kendall Couch of the Illinois Environmental Protection Agency's Collinsville Regional Office inspected the above-referenced facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Kendall Couch during the course of his September 18, 2008 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondent violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondent conducted a sanitary landfill in a manner which resulted in uncovered refuse remaining from the previous operating day or at the conclusion of any operating day, a violation of Section 21(o)(5) of the Act, 415 ILCS 5/21 (o)(5) (2006).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2006), Respondent is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each of the violations identified above, for a total of Five Hundred Dollars (\$500.00). If Respondent elects not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than November 30, 2008, unless otherwise provided by order of the Illinois Pollution Control Board.

If Respondent elects to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2006), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2006), if Respondent fails to petition or elects not to petition the Illinois Pollution Control Board for review of this Administrative

Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, Respondent's check shall be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Along with payment, Respondent shall complete and return the enclosed Remittance Form to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against the Respondent from the date payment is due up to and including the date that payment is received. The Office of the Illinois Attorney General may be requested to initiate proceedings against Respondent in Circuit Court to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

Respondent has the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31/1 (2006). If Respondent elects to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service, and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Illinois Environmental Protection Agency's Division of Legal Counsel at 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation or the Illinois Pollution Control Board shall enter a default judgment against the Respondent.

Douglas P. Scott
Douglas P. Scott, Director
Illinois Environmental Protection Agency

Date 11/12/08

Prepared by: Susan E. Konzelmann, Legal Assistant
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 782-5544

ORIGINAL

REMITTANCE FORM RECEIVED
CLERK'S OFFICE

NOV 14 2008

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STATE OF ILLINOIS
Pollution Control Board
AC 09-23
(IEPA No. 318-08-AC)

FACILITY: Greenville/Bond County Landfill SITE CODE NO.: 0050055055

COUNTY: Bond CIVIL PENALTY: \$500.00

DATE OF INSPECTION: September 18, 2008

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE:

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attn.: Fiscal Services, P.O. Box 19276, Springfield, Illinois 62794-9276.