

ILLINOIS POLLUTION CONTROL BOARD  
April 21, 1988

IN THE MATTER OF: )  
 )  
BROWNING-FERRIS INDUSTRIES, ) AC 88-18  
 ) (Case No. 88-1 SC)  
Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a March 9, 1988 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the St. Clair County Health Department. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Browning-Ferris Industries on March 4, 1988. The St. Clair County Health Department alleges that Browning-Ferris Industries has violated Sections 21(p)(1), 21(p)(12), 21(p)(1) and 21(p)(12) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Browning-Ferris Industries has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Browning-Ferris Industries has violated each and every provision alleged in the Administrative Citation. Since there are four (4) such violations, the total penalty to be imposed is set at \$2,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Browning-Ferris Industries shall, by certified check or money order payable to the Landfill Citation Fund, pay a penalty in the amount of \$2,000.00, which is to be sent to:

Paul Haas, County Collector  
10 Public Square  
Belleville, Illinois 62220

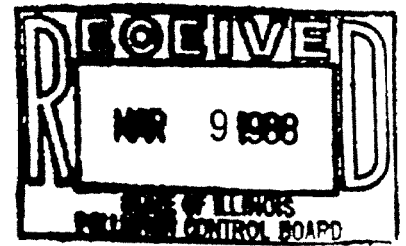
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21<sup>st</sup> day of April, 1988, by a vote of 7-0.

*Dorothy M. Gunn*

\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

~~Originals Do Not Remove~~



STATE OF ILLINOIS

COUNTY OF ST. CLAIR

ADMINISTRATIVE CITATION

IN THE MATTER OF: )

BROWNING-FERRIS IND. )  
A Foreign Corporation )  
Licensed To Do Business )  
In Illinois )

Respondent. )

*AC 88-18*

88-1 SC

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.), and delegated to St. Clair County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1004 (r).

FACTS

1. That Respondent, a Missouri corporation, is the present operator of a facility located in the County of St. Clair, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1980-35 OP, and designated with Site Code No 1630100003. Said facility is commonly known to the Agency as Belleville/BFI Modern.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on January 28, 1988, and February 25, 1988, Donald R. Brannon, of the County of St. Clair, inspected the above-described landfill facility. Copies of the Inspection Reports setting forth the results of such inspections are attached hereto and made a part hereof.

#### VIOLATIONS

On the basis of direct observation by Donald Brannon, the County of St. Clair has determined that Respondent was conducting a landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1986, ch. 111 1/2, par. 1021(d). in a manner which resulted in the following conditions:

- A. On January 28, 1988, operated said landfill facility in a manner which resulted in refuse in standing or flowing waters, in violation of Ill. Rev. Stat. 1987, Supp., ch. 111 1/2, par. 1021(P) (1).
- B. On January 28, 1988, operated said landfill facility in a manner which resulted in failure to collect and contain litter from the site by the end of a previous operating day, in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(P) (12).
- C. On February 25, 1988, operated said landfill facility in a manner which resulted in refuse in standing or flowing waters, in violation of Ill. Rev. Stat. 1987, Supp., ch. 111 1/2, par. 1021(P) (1).
- D. On February 25, 1988, operated said landfill facility in a manner which resulted in failure to collect and contain litter from the site by the end of a previous operating day. in violation of Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1021(P) (12.).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1042(b) (4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A, B, C and D for a total of Two Thousand Dollars (\$2000.00). Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than April 11, 1988. If payment is not received by such date, this citation will be forwarded to the Illinois Environmental Protection Agency for judgement. If you do not petition the Illinois Pollution Control Board for review of this Administration Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgement rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to LANDFILL CITATION FUND and mailed to Paul Haas, County Collector, #10 Public Square, Belleville, Il 62220.

If any civil penalty, by reason of acknowledgement, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the St. Clair County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS  
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the St. Clair County State's Attorney, Attention, John Baricevic, at the St. Clair County Courthouse. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgement shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control

Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and a copy of said Petition for Review filed with the State's Attorney at the St. Clair County Courthouse.

March 3, 1988

JOHN BARICEVIC  
State's Attorney

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St. Clair County  
Public Health

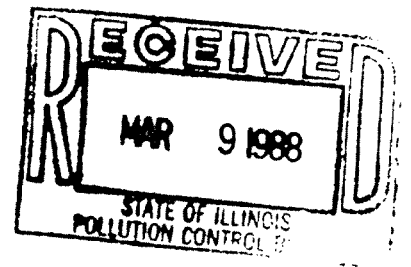
BY:



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JAY HOFFMAN  
Assistant State's Attorney

STATE OF ILLINOIS

COUNTY OF ST. CLAIR



AFFIDAVIT

IN THE MATTER OF: )  
 BROWNING-FERRIS )  
 BELLEVILLE/BFI MODERN )  
 )  
 )  
 )  
 )  
 Respondent. )

DC 88-18  
88-1 SC

Affiant, Donald R. Brannon, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the St. Clair County Health Department and certified by the Illinois Environmental Protection Agency and has been so employed at all times pertinent hereto.

2. On January 28, 1988, between 9:00 a.m., and 11:30 a.m., and on February 25, 1988, between 2:30 p.m. and 3:15 p.m., Affiant conducted inspections of the sanitary landfill in St. Clair County, Illinois, known as Belleville/BFI Modern, Illinois Environmental Protection Agency Site No. 1630100003, operating under IEPA Permit No. 1980-05-0P.

3. Affiant inspected said Belleville/BFI Modern Landfill site by on-site inspections which included walking the site and interviewing personnel.

4. After said inspection of said landfill site, Affiant investigated into whether or not any Illinois Environmental Protection Agency permits issued to the subject site and



investigated into whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report forms attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, are an accurate representation of Affiant's observations and factual conclusions with respect to the Belleville/BFI Modern Landfill.

Donald R. Brannon

Subscribed and Sworn To before me  
this 3rd day of March, 1988.

Colleen Ford

Notary Public

NOTARY PUBLIC STATE OF ILLINOIS  
MY COMMISSION EXP. APR. 3, 1989  
ISSUED THRU ILL. NOTARY ASSOC.