

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1993

COUNTY OF CHRISTIAN,)
)
 Complainant,)
)
 v.) AC 93-4
) (County No. None)
 PEABODY COAL COMPANY,) (Administrative Citation)
)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a January 21, 1993 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Christian. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. Service of the Administrative Citation was made upon Peabody Coal Company on January 14, 1993. The County of Christian alleges that on December 8, 1992, Peabody Coal Company, present owner and/or operator of a facility located in Christian County and commonly known to the Agency as Taylorville/Peabody Coal Company, violated Sections 21(p)(1) and 21(p)(4) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Peabody Coal Company 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 Peabody Coal Company has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Peabody Coal Company shall, by certified check or money order payable to the Christian County Treasurer, pay a penalty in the amount of \$1,000.00 which is to be sent to:

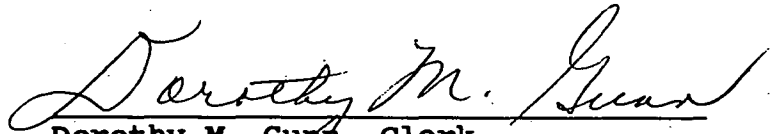
County of Christian
Christian County Treasurer
P.O. Box 199
Taylorville, Illinois 62568

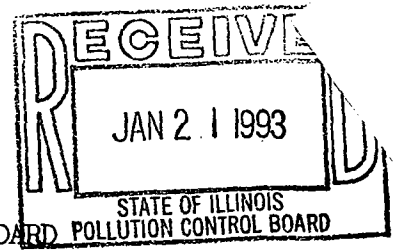
2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111-1/2, Par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Board, hereby certify that the above order was adopted on the 11th day of March, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ADMINISTRATIVE CITATION

COUNTY OF CHRISTIAN,

Complainant,

v.

PEABODY COAL COMPANY,

Respondent.

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JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Christian County Solid Waste Management Department by Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 1031.1 and Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 1004(r).

FACTS

1. That Respondent is the present owner and/or operator of a facility located in County of Christian, State of Illinois.

2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with Site Code No. 0218160004. Said facility is commonly known to the Agency as Taylorville/Peabody Coal Co.

3. That Respondent has owned and/or operated said facility at all times pertinent hereto.

4. That on December 8, 1992, Joe Stepping, of the Christian County Solid Waste Management Department, inspected the above described facility. A copy of the inspection report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Joe Stepping, the Christian County Solid Waste Management Department has determined that Respondent has caused or allowed open dumping at the above described facility in a manner which resulted in the following occurrences:

A. That on December 8, 1992, an on-site inspection of said facility disclosed the following:

1. Causing or allowing litter (Ill. Rev. Stat. 1991, ch 111 1/2, 1021(p)(1) {formerly 1021(q)(1)}).
2. Causing or allowing the deposition of waste in standing or flowing waters (Ill. Rev. Stat. 1991, ch. 111/1/2, par 1021(p)(4) {formerly 1021(q)(4)}).
3. Causing or allowing the operation of an open dump so as to cause or threaten or allow the discharge of any contaminant so as to cause or tend to cause water pollution in Illinois (Ill. Rev. Stat. 1991, ch. 111 1/2, Sections 1012(a) and 1012(d)).
4. Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Agency (35 Ill. Adm. Code, Sections 807.201 and 807.202).
5. Causing or allowing the open dumping of any waste (Ill. Rev. Stat. 1991, Ch. 111 1/2, Section 1021(a)).
6. Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency (Ill. Rev. Stat. 1991, Ch. 111 1/2, Section 1021(d)).
7. Causing or allowing the open dumping of any used or waste tire (Ill. Rev. Stat. 1991, Ch. 111 1/2, Section 1055(a)(1)).

8. Except at a tire storage site which contains more than 50 used tires, cause or allow the storage of any used tire unless the tire is altered, reprocessed, converted, covered, or otherwise prevented from accumulating water (Ill. Rev. Stat. 1991, Ch 111 1/2, Section 1055(a)(3)).
9. Abandoning, dumping or disposing of any used or waste tire on private or public property (Ill. Rev. Stat. 1991, Ch. 111 1/2, Section 1055(a)(5)).

CIVIL PENALTY

Pursuant to Ill. Rev. Stat. 1991, 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.1. and A.2. for a total of One Thousand Dollars (\$1000.00). Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation alleged herein, after an adjudicatory hearing, Respondent 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 herein above, the civil penalty specified above shall be due and payable no later than February 16, 1993, 35 days from filing. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your checks should be made payable to the Christian County Treasurer and mailed to the County of Christian c/o Christian County

Treasurer, P.O. Box 199, Taylorville, Illinois 62568. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

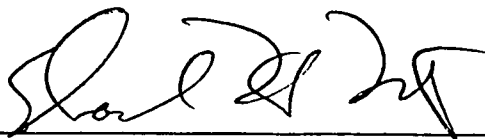
If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received. If any civil penalty, by reason of acknowledgement, default or finding after adjudicatory hearing is not paid when due, the Office of the Illinois Attorney General or the Christian County State's Attorney shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest and hearing costs of the Illinois Pollution Control Board, if any, the Attorney General's Office or the Christian County State's Attorney's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Ill. Rev. Stat. 1991, 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 Illinois Environmental Protection Agency and the Christian County Solid Waste Management Department. Such Petition for Review must be filed within thirty-five (35) days of the date of service of the Administrative Citation, or a default judgment 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 Illinois

Environmental Protection Agency at 2200 Churchill Road, P.O. Box 19276,
Springfield, Illinois 62794-9276, Attention: Division of Legal Counsel and a copy
to the Christian County Solid Waste Management Department at 305 South Webster
Street, Taylorville, Illinois 62568.



David H. Martin
Assistant States Attorney
CCSWM/Enforcement

Prepared by : David H. Martin
CCSWM/Enforcement
305 S. Webster St.
Taylorville, IL 62568
(217)287-2334

Date: 1/12/93

DM/jcs

REMITTANCE FORM

COUNTY OF CHRISTIAN,

Complainant,

v.

PEABODY COAL COMPANY,

Respondents.

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AC 93-4

FACILITY: Taylorville/Peabody Coal Co.

SITE CODE NO.: 0218160004

COUNTY: Christian

CIVIL PENALTY: \$1000.00

DATE OF INSPECTION: December 8, 1992

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if 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 the County of Christian c/o Christian County Treasurer, P.O. Box 199, Taylorville IL, 62568.

DM/jcs