

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1997

COUNTY OF VERMILION,)	
)	
Complainant,)	
)	
v.)	AC 97-57
)	(County File No. 97-01)
BRICKYARD DISPOSAL AND)	(Administrative Citation)
RECYCLING, INC.,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon the April 8, 1997, filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1996)) by the County of Vermilion (County). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon Brickyard Disposal and Recycling, Inc. (respondent) on April 3, 1997.¹ The County alleges that on February 24, 1997, respondent, present owner and/or operator of a facility located in Vermilion County and commonly known to the County as Brickyard Disposal and Recycling, Inc., 601 E. Brickyard Road, Danville, Illinois, violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Act (415 ILCS 5/1(o)(1), 21(o)(5), 21(o)(12) (1996)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)).

Respondent 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)(1) of the Act (415 ILCS 5/31.1(d)(1) (1996)). Therefore, the Board finds respondent has violated the provisions alleged in the administrative citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondent shall, by certified check or money order payable to the County of Vermilion, pay a penalty in the amount of \$1,500 which is to be sent to:

Vermilion County Health Department
200 South College Street
Danville, Illinois 61832

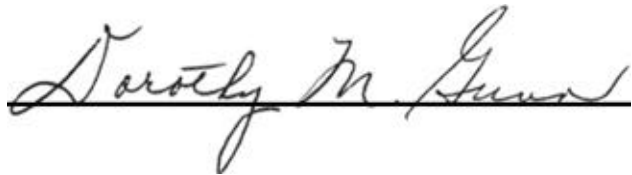
¹ The County's June 24, 1997, filing asks that the remittance of the fine "stand as proof" that service was had as of April 3, 1997. The County has not received a signed receipt from the United States Post Office. Respondent paid the civil penalty on May 20, 1997.

2. Respondent shall include the remittance form and write the case name and number and its 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 Act (415 ILCS 5/42(g) (1996)).
4. Payment of this penalty does not prevent future prosecution if the violation continues.

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 145 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 order was adopted on the 10th day of July 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board