

ILLINOIS POLLUTION CONTROL BOARD
July 10, 1997

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| ILLINOIS ENVIRONMENTAL |) | |
| PROTECTION AGENCY, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | AC 97-66 |
| |) | (IEPA No. 214-97-AC) |
| RCS, INC. and RICKIE L. LAIRD, |) | (Administrative Citation) |
| |) | |
| Respondents. |) | |

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

This matter comes before the Board upon the May 27, 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 Illinois Environmental Protection Agency (Agency). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon RCS, Inc. and Rickie L. Laird (respondents) on May 29 and May 27, 1997, respectively. The Agency alleges that on April 4, 1997, respondents, present owners and/or operators of a facility located in Jersey County and commonly known to the Agency as Jerseyville/RCS, Inc. Landfill, violated Sections 21(o)(5) and 21(o)(12) of the Act (415 ILCS 5/21(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)).

Respondents have 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 respondents have violated the provisions alleged in the administrative citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondents shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000 which is to be sent to:

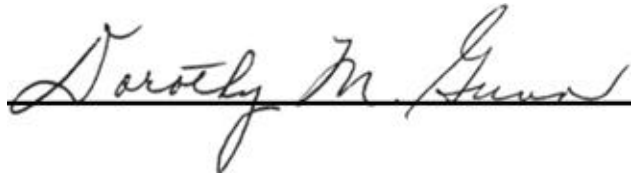
Illinois Environmental Protection Agency
Fiscal Services
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

2. Respondents 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 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", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board