

ILLINOIS POLLUTION CONTROL BOARD
February 23, 1989

IN THE MATTER OF:)
)
RUSSELL HARRIS,) AC 89-1
) (Case No. 89-AC-001)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a January 5, 1989 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Madison County. A copy of that Administrative Citation is attached hereto. Madison County alleges that Russell Harris has violated Section 21(p)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

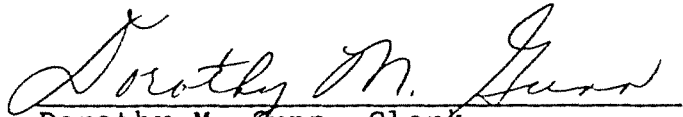
Russell Harris has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Russell Harris has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Russell Harris shall, by certified check or money order payable to the General Fund-Solid Waste Fine, pay a penalty in the amount of \$500.00 which is to be sent to:

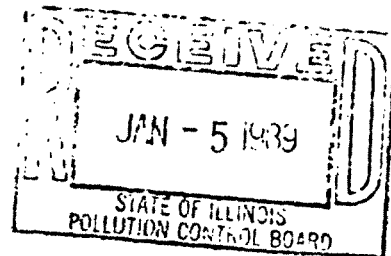
Michael Henkhaus
County Treasurer
103 Purcell
Edwardsville, IL 62025

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 23rd day of February, 1989, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS
COUNTY OF MADISON



ADMINISTRATIVE CITATION

IN THE MATTER OF:)
)
) *AC 89-1*
) 89-AC-001
)
RUSSELL HARRIS)
)
)
)
Respondent.)

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. 1985, Supp. 1986, ch. 111 1/2, par. 1031.1), and delegated to Madison County pursuant to Ill. Rev. Stat. 1985, Supp. 1986, ch 111 1/2, par. 1004(r).

FACTS

1. That Respondent, Russell Harris, is the present operator of a facility located in the County of Madison, State of Illinois.
2. That said facility is operated as an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with Site Code No. 1198050001. Said Facility is commonly known to the Agency as Foster/Harris.
3. That Respondent has operated said facility at all times pertinent hereto.

4. That on November 7, 1988, Thomas Hawkins, of the County of Madison, inspected the above-described open dump. A copy of the Inspection Report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

5. On the basis of direct observation of Thomas Hawkins, the County of Madison has determined that Respondent was conducting an open dump operation at the above-described facility, in a manner which resulted in the following conditions:

- A. November 7, 1988, operated said open dump by causing or allowing litter (Section 21(q) (1) of the Act) in violation of Ill. Rev. Stat. 1985, Supp. 1986, ch 111½, par. 1021 (p) (5).

CIVIL PENALTY

6. Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1985, Supp. 1986, ch. 111½, par. 1042 (b) (4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph A, for a total of Five Hundred Dollars (\$500.00). Additionally, should Respondent, Russell Harris, 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, Respondent shall be assessed the associated hearing costs incurred by the Illinois Pollution Control Board, in addition to the Five Hundred Dollars (\$500.00) statutory penalty for each finding of violation.

7. If Respondent acknowledges the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than February 11, 1989. If payment is not received by such date, this citation will be forwarded to the Illinois Environmental Protection Agency for judgement. If Respondent does not petition the Illinois Pollution Control Board for review of this Administration Citation within thirty-five (35) days of service hereof or if Respondent elects to contest this Administrative Citation, any judgement rendered against the Respondent shall specify the due date of the statutory civil penalty and any costs assessed against you.

8. When payment is made, the check should be made payable to: GENERAL FUND-SOLID WASTE FINE and mailed to Michael Henkhaus, County Treasurer, 103 Purcell, Edwardsville, Il. 62025.

9. 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 Madison 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 the costs of litigation.

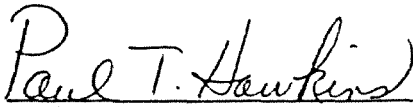
PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION


10. Respondent, Russell Harris, has the right to contest this Administrative Citation. See Public Act 84-1320 (Ill. Rev. Stat. 1985, Supp 1986, ch. 111}, par 1031.1). If Respondent elects to contest this Administration Citation, he 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 William R. Haine, Madison County State's Attorney, 103 Purcell St., Edwardsville, Il. 62025, (618)692-6200. 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 Madison County State's Attorney, 103 Purcell St., Edwardsville, Il. 62025.

WILLIAM R. HAINE

Madison County State's Attorney
103 Purcell St.
Edwardsville, Il 62025
(618)692-6200

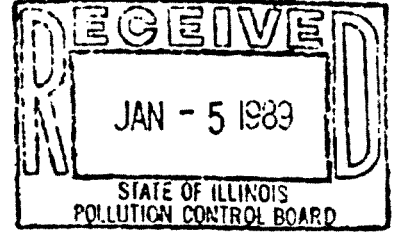


PAUL T. HAWKINS
Environmental Administrator
Madison County



NELSON METZ
Assistant State's Attorney
Madison County

STATE OF ILLINOIS
COUNTY OF MADISON



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RUSSELL HARRIS)
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Respondent.)

AC 89-1
89-AC-001

Affiant, Thomas Hawkins, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of Madison and has been so employed at all times pertinent hereto.
2. On November 7, 1988, between 2:15 p.m. and 3:15 p.m., Affiant conducted an inspection of the open dump in Madison County, Illinois, known as Foster/Harris, Illinois Environmental Protection Agency Site No. 1198050001.
3. Affiant inspected said Foster/Harris Site by an on-site inspection which included walking the site and interviewing personnel.
4. Before and after said inspection of said open dump, Affiant reviewed Illinois Environmental Protection Agency permits to determine whether or not appropriate permits had been granted. No permits have been issued for the pertinent time period and activities.
5. As a result of the activities referred to in Paragraphs 3 and 4 above, Affiant completed the Inspection Report Form attached hereto and made a part hereof, which, to the best of Affiant's knowledge and belief, is an

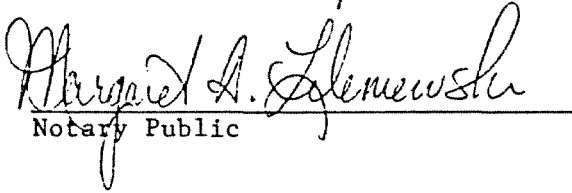
accurate representation of Affiant's observations and factual conclusions
with respect to Foster/Harris.



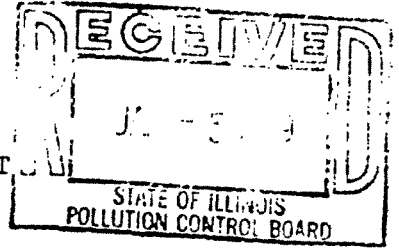
Thomas Hawkins

Subscribed and Sworn before me this

4th day of January, 1989



Notary Public



MADISON COUNTY ENVIRONMENTAL CONTROL DEPARTMENT

REMITTANCE FORM

IN THE MATTER OF:)
)
)
)
RUSSELL HARRIS)
)
Respondent.)

AQ 89-1
89-AC-001

FACILITY: Foster/Harris SITE CODE NO: 1198050001
COUNTY: Madison CIVIL PENALTY: \$500.00
DATE OF INSPECTION: November 7, 1988

DATE REMITTED: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form to:

SOLID WASTE MANAGEMENT FUND
Attn: Michael Henkhaus, County Collector
103 Purcell
Edwardsville, Illinois 62025