

ILLINOIS POLLUTION CONTROL BOARD

March 7, 1996

COUNTY OF MONTGOMERY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 96-34
	)	(Administrative Citation)
ENVOTECH-ILLINOIS, INC.,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD:

This matter comes before the Board upon the January 18, 1996 filing of an Administrative Citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by Montgomery County. 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 Envotech-Illinois, Inc. on January 12, 1996. Montgomery County alleges that on November 21, 1995 Envotech-Illinois, Inc., present owner and/or operator of a facility located in Montgomery County and commonly known to the County as Litchfield-Hillsboro Landfill/Envotech-Illinois Landfill, violated Section 21(o)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Envotech-Illinois, Inc. 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 Envotech-Illinois, Inc. 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.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Envotech-Illinois, Inc. shall, by certified check or money order payable to the Montgomery County Treasurer, pay a penalty in the amount of \$500.00, which is to be sent to:

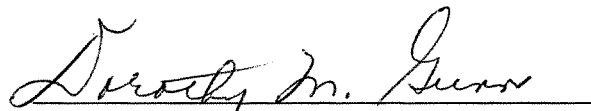
Ms. Amy Stewart, Director  
Montgomery County Health Department  
South Route 185  
Hillsboro, IL 62049

2. Respondent shall include the remittance form and write the case name and number and his social security or federal employer identification numbers 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.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 7<sup>th</sup> day of March, 1996, by a vote of 7-0.

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

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**ADMINISTRATIVE CITATION**

**MONTGOMERY COUNTY, ILLINOIS,** )  
 )  
 **Complainant,** )  
 )  
 **vs.** )  
 )  
 **ENVOTECH-ILLINOIS, INC.** )  
 )  
 **Respondent.** )

**NO. AC 96- 34**  
**Administration Citation**

**JURISDICTION**

**This Administration Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Illinois Compiled Statutes, Chapter 415, Paragraph 5/31-1, and delegated to Montgomery County, Illinois, pursuant to Illinois Compiled Statutes, Chapter 415, Paragraph 514.**

**FACTS**

- 1. The Respondent is the present owner/or operator of a facility located in Montgomery County, Illinois.**
- 2. That said facility is a sanitary and special waste landfill, operating with one or more Illinois Environmental Protection agency Operating Permits, and designated with Site Code No. I358150007. Said facility is commonly known to the agency as the Litchfield-Hillsboro Landfill or Envotech Illinois Landfill and is operating under Illinois Environmental Protection Agency Permit No. 1976-2-OP (revised 2-15-91).**
- 3. That Respondent has owned and/or operated the facility at all times pertinent hereto.**
- 4. That on November 15, 1995, Weldon Kunzeman of the Montgomery County Health 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, marked Group Exhibit "A".**

## VIOLATIONS

**I. On the basis of direct observation of Weldon Kunzeman on November 15, 1995 the Complainant has determined that Respondent has operated the above-described facility in the following manner.**

**a. That there was in the landfill uncovered refuse remaining from a previous day as more particularly described in Item No. 6, page 4 of the attached inspection report, incorporated herein by reference. See Illinois Compiled Statutes, Ch. 415, Par. 5/21 (o) (5).**

## CIVIL PENALTY

**Pursuant to Illinois Compiled Statutes, 1992, Chapter 415, Par. 5/42 (b) (4). Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for the violation specified above in Par. I above ("Violations"), for a total of \$500.00. 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 violations alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency, Montgomery County, Illinois, and the Illinois Pollution Control Board, in addition to the Five Hundred Dollars (\$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 February 16, 1996. 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 check should be made payable to the Montgomery County Treasurer and mailed to the attention of Ms. Amy Stewart, Director, Montgomery County Health Department, South Route 185, Hillsboro, Illinois 62049. Also, please complete and return the enclosed Remittance Form, along with your payment to assure**

proper documentation of payment, 50% of which payment must be forwarded to the Agency.

If any civil penalty, by reason of acknowledgment, default or finding after adjudication 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, 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. Furthermore, if payment is not received when due the Office of the Illinois Attorney General or State's Attorney of Montgomery County, Illinois 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 Environmental Protection Agency, Montgomery County, Illinois, and the Illinois Pollution Control Board, if any, the Attorney General's Office or Montgomery 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 Illinois Compiled Statutes, 1991, Chapter 415, Paragraph 5/31.1. If you elect to contest this Administrative Citation, you must file for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be mailed to the Montgomery County State's Attorney. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this 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. Attention: Division of Legal Counsel, and a copy of said Petition for Review mailed to Kathryn Dobrinic, Montgomery County State's Attorney, Montgomery County Courthouse, Hillsboro, Illinois 62049.

**MONTGOMERY COUNTY, ILLINOIS**

**BY:**



**Kathryn Dobrinic  
Montgomery County State's Attorney**

**Prepared by: Kathryn Dobrinic  
Montgomery County State's Attorney  
Montgomery County Courthouse  
120 North Main, Room 212  
Hillsboro, Illinois 62049**

**Date:** *January 12, 1991*

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**ADMINISTRATIVE CITATION**

MONTGOMERY COUNTY, ILLINOIS,            )  
  )  
  )            Complainant,            )  
  )  
  )            vs.                            )            NO. AC 96-  
  )  
  )            ENVOTECH ILLINOIS, INC.,            )  
  )  
  )            Respondent.            )

**REMITTANCE FORM**

**FACILITY:** Litchfield/Hillsboro Landfill (or Envotech Illinois Landfill)

**SITE CODE NO.:** 1358150007

**CIVIL PENALTY:** \$500.00

**COUNTY:** Montgomery

**DATES OF INSPECTION:** November 15, 1995

**DATE REMITTED:** \_\_\_\_\_

**SS/FEIN NUMBER:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**NOTE**

**Please enter the date of your remittance, your Social Security number (SS) if any 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 Mrs. Amy Stewart, Montgomery County Health Department, South Route 185, Hillsboro, Illinois 62049. The check should be made payable to the Montgomery County Treasurer. Fifty per cent (50%) of the penalty shall be forwarded by Montgomery County to the Illinois Environmental Protection Agency.**