

ILLINOIS POLLUTION CONTROL BOARD
April 21, 1988

IN THE MATTER OF:)
)
GRIMMS LANDFILL,) AC 87-116
) (Case No. 87-EH 5)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a March 7, 1988 filing of an amended Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Tazewell (County). A copy of that amended Administrative Citation is attached hereto. The County alleges that Grimms Landfill has violated Sections 21(p)(5) and 21(p)(12) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

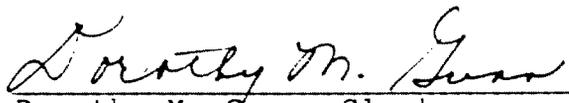
Therefore, pursuant to Section 31.1(d)(1), the Board finds that Grimms Landfill has violated the provisions alleged in the amended Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Grimms Landfill shall, by certified check or money order payable to the Tazewell County Health Department, pay a penalty in the amount of \$1,000.00 which is to be sent to:

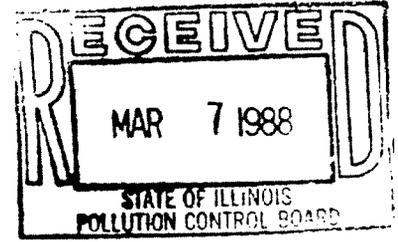
Gordon Poquette
Tazewell County Health Department
RR #1
Tremont, Illinois 61568

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 21st day of April, 1988, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



STATE OF ILLINOIS

COUNTY OF

AMENDED ADMINISTRATIVE CITATION

AC 87-116
(87-EH-5)

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State's Attorney's File No. 87-EH 5

Docket No. AC 87-116

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. 1986, Supp., ch. 111½, par. 1031.), and delegated to Tazewell County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1004(r).

FACTS

1. That Respondent, Jack Grimm, is the present operator of a facility located in the County of Tazewell, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 74-71, and designated with site Code No. 1798180011. Said facility is commonly known to the Agency as Grimm's Landfill.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on 10/14/87, Ralph Jones, of the County of Tazewell, inspected the above-described landfill 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 Grimm's Landfill, the County of Tazewell has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, para. 1021(d), in a manner which resulted in the following conditions:

- 5) Uncovered refuse remaining from previous operating day.
- 12) Failure to collect and contain litter from the site by the end of each operating day noted in five (5) areas.

CIVIL PENALTY

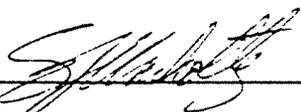
Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, para. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph One (1), for a total of \$1,000.00. Additionally, should you elect to petition the 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, you 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 hereinabove, the civil penalty specified above shall be due and payable no later than December 29, 1987. 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

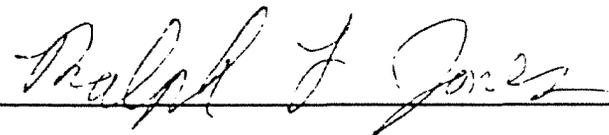
judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to Tazewell County Health Department and mailed to Gordon Poquette at the Tazewell County Health Department, RR #1, Tremont, Illinois 61568.

If any civil penalty, by reason of acknowledgment, 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 Tazewell 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 their costs of litigation.



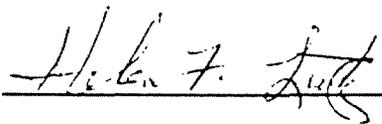
Stewart Umholtz, Assistant State's Attorney



Ralph Jones, Environmental Health Specialist

Subscribed and Sworn to before me this

4th day of March, 1988.



Notary Public