

ILLINOIS POLLUTION CONTROL BOARD
May 19, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 93-25
)	(Enforcement)
D & B REFUSE SERVICE, INC.,)	
an Illinois Corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a three-count complaint filed February 5, 1993, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against D & B Refuse Service, Inc., an Illinois Corporation located in Moultrie County, Illinois. The complaint alleges that D & B Refuse Service, Inc. has violated Sections 21(p)(5) and (12) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/21(p)(5), (12).

Pursuant to 415 ILCS 5/31(a)(1), the parties filed a joint Motion requesting relief from the Act's hearing requirement on April 18, 1994. The Board published a Notice of the waiver on April 20, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on April 18, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. D & B Refuse Service, Inc. denies the alleged violations and agrees to pay a civil penalty of twenty-one thousand dollars (\$21,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and D & B Refuse Service, Inc., concerning its facility located in Moultrie County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) D & B Refuse Service, Inc., shall pay the sum of twenty-one thousand dollars (\$21,000.00). The penalty shall be paid in four installments: five thousand two hundred fifty (5,250.00) within 30 days of the date of this Order, and five thousand two hundred fifty (5,250.00) payable six months, twelve months, and eighteen months thereafter. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

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

A copy of the transmittal and check shall be simultaneously submitted to:

Environmental Control Division
Illinois Attorney General's Office
500 South Second Street
Springfield, Il. 62706

The certified check or money order shall clearly indicate on its face, D & B Refuse Service, Inc.'s Federal Employer Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

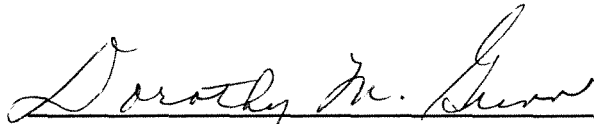
- 3) D & B Refuse Service, Inc. shall cease and desist from

the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 19th day of May, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board