

ILLINOIS POLLUTION CONTROL BOARD
March 31, 1994

WILLIAMSON COUNTY SOLID)	
WASTE MANAGEMENT,)	
)	
Complainant,)	
)	
v.)	AC 94-7
)	(Administrative Citation)
)	
GERALD BALTZELL,)	
)	
Respondent.)	

ORDER OF THE BOARD:

This matter comes before the Board upon a February 4, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Williamson County Solid Waste Office. 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 Gerald Baltzell on February 2, 1994. The Williamson County Solid Waste Office alleges that on January 14, 1994, Gerald Baltzell, present owner and/or operator of a facility located in Williamson County and commonly known to the Agency as Gerald Baltzell open dump, violated Section 21(p)(3) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Gerald Baltzell 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 Gerald Baltzell, 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 Gerald Baltzell shall, by certified check or money order payable to the Williamson County Treasurer, pay a penalty in the amount of \$500.00, which is to be sent to:

Williamson County Treasurer
200 West Jefferson Street
Marion, Illinois 62959

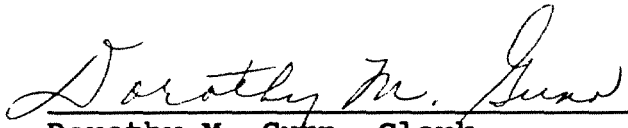
2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

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 31st day of March, 1994, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ADMINISTRATIVE CITATION



WILLIAMSON COUNTY SOLID WASTE OFFICE)
)
Complainant,)
)
v.)
)
Gerald Baltzell)
)
Respondent.)

AC 94.7

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1987, ch. 111 1/2, para. 1031.), (recompiled as 415 ILCS 5/1-56.6) and delegated to Williamson County pursuant to Ill. Rev. Stat. 1987, ch. 111 1/2, para. 1004(r), (recompiled as 415 ILCS 5/1-56.6).

FACTS

1. That Respondent, Gerald Baltzell, is the present owner and/or operator of a facility located in the County of Williamson, State of Illinois.

2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with Side Code No. 1998600005. Said facility is commonly known to the County as Gerald Baltzell open dump.

3. That Respondent has owned and/or operated said facility at all times pertinent hereto.

4. That on January 14, 1994, Sheila Williams, of the Illinois Environmental Protection Agency, 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.

VIOLATIONS

On the basis of direct observation of Sheila Williams, the Williamson County Solid Waste Office has determined that Respondent has caused or allowed the open dumping at the above described facility in a manner which resulted in the following occurrences:

A. That on January 14, 1994, an on-site inspection of said facility disclosed the following:

- (1) Causing or allowing open burning (Ill. Rev. Stat. ch. 111 1/2, para. 1021(p)(3) (1991) [formerly 1021(q)(3)]).

CIVIL PENALTY

Pursuant to (Ill. Rev. Stat. ch. 111 1/2, para. 1042(b)(4) (1991) [recompiled as 415 ILCS 5/1-56.6]), 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 (\$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 Williamson County and 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 March 14, 1994. 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 Williamson County Treasurer, 200 W. Jefferson St., Marion, Il. 62959. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

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. If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing is not paid when due, the Office of the Williamson County State's Attorney 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 Williamson County and the Illinois Pollution Control Board, if any, the Williamson County State's Attorneys 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 Ill. Rev. Stat. ch. 111 1/2, para. 1031.1 (1991), (recompiled as 415 ILCS 5/1-56.6). If you elect to contest this Administrative Citation, you 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 the Williamson 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; and a copy of said Petition for Review filed with the Williamson County State's Attorney at the Williamson County Courthouse, 200 West Jefferson St., Marion, Il. 62959.



Charles R. Garnati
Williamson County State's Attorney

Date: February 02, 1994

REMITTANCE FORM

WILLIAMSON COUNTY SOLID WASTE)
OFFICE,)
)
Complainant,)
)
v.) AC 94-7
) (County No. None)
)
GERALD BALTZELL,)
)
Respondent.)

FACILITY: Gerald Baltzell
Open Dump

SITE CODE NO.: 1998600005

COUNTY: Williamson

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: January 14, 1994

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an 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: Williamson County Treasurer, 200 W. Jefferson Street, Marion, Illinois 62959.