

ILLINOIS POLLUTION CONTROL BOARD
July 1, 1993

WAYNE COUNTY HEALTH)
DEPARTMENT,)
)
Complainant,) AC 93-7
) (County Docket No. 1-93)
v.) (Administrative Citation)
)
WILLIAM G. BUCKLES, JR.,)
)
Respondent.)

ORDER OF THE BOARD (M. Nardulli):

This matter comes before the Board upon a February 10, 1993, filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Wayne County Health Department (County). A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's Opinion Volumes. The County alleges that on December 17, 1992, William G. Buckles, present owner of a facility commonly known to the Agency as Fox Dumpsite, located in Wayne County, violated Section 21(p)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

On April 22, 1993, the Board dismissed this case because complainant failed to prove that the respondent had been properly served. On June 3, 1993, the Board issued an Order re-opening this docket based on evidence that the respondent had been served. The record indicates service of the Administrative Citation was made upon William G. Buckles on February 10, 1993.

Mr. Buckles 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 Mr. Buckles has violated each 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 William G. Buckles shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

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

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 this 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, Motion 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 1st day of July, 1993, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

FEB 10 1993

WAYNE COUNTY HEALTH DEPARTMENT,)
Complainant,)
V.) AC # 93-7
WILLIAM G. BUCKLES, JR.) County No. 1-93
Respondent.)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Ill. Rev. Stat. 1991, Ch. 111 1/2, par. 1031.1.

FACTS

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

2. That said facility is an open dump, operating without an Illinois Environmental Protection Agency Operating Permit, and designated with Site Code No. 1910350002. Said facility is commonly known to the Agency as the Fox Dumpsite.

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

4. That on 12-17-92, Clark D. Griffith, of the Wayne 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.

VIOLATIONS

On the basis of the direct observation of the Fox Dumpsite, the Wayne County Health Department has determined that Respondent has caused or allowed open dumping at the above described facility in a manner which resulted in the following occurrences:

A. That on 12-17-92 an on-site inspection of said facility disclosed the following:

1. X Causing or allowing litter (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(1) [formerly 1021(q)(1)]).
2. Causing or allowing scavenging operations (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(2) [formerly 1021(q)(2)]).
3. Causing or allowing open burning (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(3) [formerly 1021(q)(3)]).
4. Causing or allowing the deposition of waste in standing or flowing waters (Ill. Rev. Stat. 1991, ch. 111 1/2, par 1021(p)(4) [formerly 1021(q)(4)]).
5. Causing or allowing proliferation of disease vectors (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(5) [formerly 1021(q)(5)]).
6. Causing or allowing the generation of standing or flowing liquid discharge from the open dump site (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(6) [formerly 1021(q)(6)]).

CIVIL PENALTY

Pursuant to Ill. Rev. Stat. 1991, Ch. 111 1/2, 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 A1, 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 Wayne County Health Department 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 24, 1993. 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.

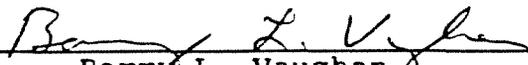
When payment is made, your check should be made payable to the Wayne County Treasurer and mailed to the attention of Gayla Vaughan, Wayne County Treasurer, Wayne County Courthouse, Fairfield, Illinois 62837. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure 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 Wayne 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 the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, if any, the State's Attorney 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. 1991, Ch. 111 1/2, par. 1031.1. 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 Wayne County State's Attorney, Attention: Barry L. Vaughan, Wayne County Courthouse, Fairfield, Illinois 62837. 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 State's Attorney at the Wayne County Courthouse,
Fairfield, Illinois 62837, Attention: Barry L. Vaughan.



Barry L. Vaughan
Wayne County State's Attorney

DATE: 2-4-93

