

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

COUNTY OF VERMILION,)
)
 Complainant,)
)
 v.) AC 94-85
) (County No. 94-03)
) (Administrative Citation)
 BRICKYARD DISPOSAL AND)
 RECYCLING, INC.,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon the September 26, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Vermilion 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 Brickyard Disposal and Recycling Inc. on September 22, 1994. Vermilion County alleges that on July 25, 1994, Brickyard Disposal and Recycling Inc., present owner and/or operator of a facility located in Vermilion County and commonly known to the County as Brickyard Disposal and Recycling (IEPA Site No. 18380400029), Vermilion County, Illinois 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.

Brickyard Disposal and Recycling 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 Brickyard Disposal and Recycling 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 Brickyard Disposal and Recycling Inc. shall, by certified check or money order payable to the County of Vermilion County, pay a penalty in the amount of \$500.00, which is to be sent to:

Vermilion County Health Board
Rural Route 1, Box 12B
Danville, Illinois 61832

2. Respondent shall include the remittance form and write the case name and number and their social security or federal

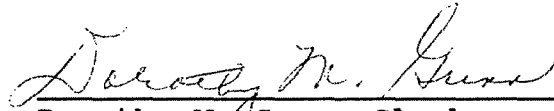
Employer Identification Numbers on the certified check or money order.

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

IT IS SO ORDERED.

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.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 1st day of December, 1994, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

RECEIVED
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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

COUNTY OF VERMILION, ILLINOIS,)
)
Complainant,) AC 94-85
)
v.) County File No. 94-03
)
BRICKYARD DISPOSAL & RECYCLING,)
INC.,)
)
Respondents.)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by sections 4(e) and 31.1 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/4(e), 5/31.1, and delegated to Vermilion County pursuant to section 4(r) of the Act, 415 ILCS 5/4(r).

FACTS

1. That Respondent, Brickyard Disposal & Recycling, Inc., is the present operator of a facility located within the County of Vermilion, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1981-24-OP, and designated with Site Code No. 1838040029.

3. That on July 25, 1994, Douglas Toole of the Vermilion County Health Department and Amy Brown of the Illinois

Environmental Protection Agency inspected 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 the direct observation of Douglas Toole and Amy Brown, the County of Vermilion has determined that Respondents were conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to 415 ILCS 5/21(d), in a manner which resulted in the following conditions:

A. That on July 25, 1994 an on site inspection of said sanitary landfill and a review of Illinois Environmental Protection Agency files and records of said facility, disclosed the following:

- (1) Uncovered refuse remaining from a previous operating day, in violation of 415 ILCS 5/21(o) (5).

CIVIL PENALTY

Pursuant to section 42(b) (4) of the Act, 415 ILCS 5/42(b) (4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for the above-mentioned violation. Additionally, should Respondent 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, Respondent 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 the violation.

If you acknowledge the violation cited hereinabove, the civil penalty specified above shall be due and payable no later than October 21, 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 County of Vermilion, Illinois, and mailed to the Vermilion County Health Department at Rural Route 1, Box 12B, Danville, Illinois 61832.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Vermilion County State's Attorney may initiate proceedings in the Circuit Court to collect said civil

penalty. In addition to the previously assessed civil penalty and any hearing costs of the Illinois Pollution Control Board, 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 under section 31.1(d) of the Act, 415 ILCS 5/31.1(d). 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 Vermilion County State's Attorney's Office. 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 will be issued by the Illinois Pollution Control Board.

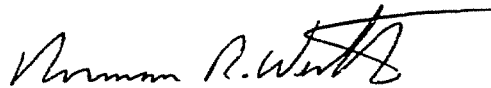
The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601; and a copy of said Petition for Review should be filed

with the Vermilion County State's Attorney, at 7 N. Vermilion
St., Danville, Illinois 61832.

DATED: September 22, 1994



Michael D. Clary
State's Attorney



By: Norman R. Werth,
Assistant. State's Attorney

Prepared by: Norman R. Werth
Office of the State's Attorney
7 N. Vermilion St.
Danville, IL 61832
(217) 431-2570

REMITTANCE FORM

COUNTY OF VERMILION)
)
 Complainant,)
)
 v.) AC 94-85
) (County No. 94-03)
) (Administrative Citation)
 BRICKYARD DISPOSAL AND,)
 RECYCLING, INC.,)
)
 Respondent.)

FACILITY: Brickyard Disposal

SITE CODE NO.: 18380400029

COUNTY: Vermilion

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: July 25, 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 Vermilion County Health Board, Rural Route 1, Box 12B, Danville, Illinois 61832