

ILLINOIS POLLUTION CONTROL BOARD
March 16, 1995

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 95-10
) (IEPA No. 41-95-AC)
) (Administrative Citation)
WILLIAM KINNEY,)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a February 3, 1995 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). 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 William Kinney on February 1, 1995. The Agency alleges that on December 12, 1994, William Kinney, present owner and/or operator of a facility located in Cook County and commonly known to the Agency as Nilwood/William Kinney Property 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.

William Kinney 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 William Kinney, has violated the provisions 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 Kinney shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00, which is to be sent to:

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

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

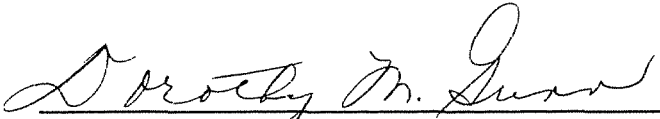
order.

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.

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 16th day of March, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)

Complainant,)

v.)

WILLIAM KINNEY,)

Respondent.)

AC 95-10
(IEPA No. 41-95-AC)

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1, 1992; Ill. Rev. Stat. ch. 111½, para. 1031.1.

FACTS

1. That Respondent William Kinney is the present owner and/or operator of a facility located in the County of Macoupin, 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. 1170750003. Said facility is commonly known to the Agency as Nilwood/Kinney.
3. That Respondent has owned and/or operated said facility at all times pertinent hereto.
4. That on December 12, 1994, Robert Mathis Jr., 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.

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 Illinois Environmental Protection Agency at 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, Attention: Division of Legal Counsel.

Mary A. Gade
Mary A. Gade, Director *by wee*
Illinois Environmental Protection Agency

Prepared by: Todd Rettig
Illinois Environmental
Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
(217)782-5544

Date: January 27, 1995

BD:c1w\Open

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STATE OF ILLINOIS
POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AFFIDAVIT

IN THE MATTER OF:

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY,
Complainant.

v.

William Kenney

Respondent.

I.E.P.A. DOCKET # 41-95-AC

Affiant, Robert L. Mathis, Jr. , being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Land Pollution Control Division of the Environmental Protection Agency and has been so employed at all times pertinent hereto.
2. On December 12, 1994 between 11:10 a.m. and 11:30 a.m., Affiant conducted an inspection of a disposal site operated without an Agency permit, located in Macoupin County, Illinois and known as Nilwood/Kinney by the Illinois Environmental Protection Agency. Said site has been assigned site code number 1170750003 by the Agency.
3. Affiant inspected said Nilwood\Kinney open dump site by an on - site inspection which included walking and photographing the site.
4. As a result of the activities referred to in paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, is to the best of Affiant's knowledge and belief, is an accurate representation of Affiant's observations and factual conclusions with respect to said Nilwood\Kinney open dump.

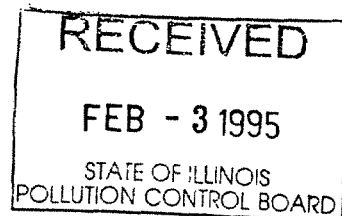
Robert L. Mathis Jr.

Subscribed and Sworn To before me
this 21st day of December, 1994.

Barbara J. Brundige
Notary Public



REMITTANCE FORM



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.)
WILLIAM KINNEY,)
Respondent.)

Ac 95-10
IEPA No. 41-95-AC

FACILITY: Nilwood/Kinney SITE CODE NO.: 1170750003
COUNTY: Macoupin CIVIL PENALTY: \$500.00
DATE OF INSPECTION: December 12, 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 Illinois Environmental Protection Agency, Attn.: Fiscal Services, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276.