

ILLINOIS POLLUTION CONTROL BOARD
October 6, 1994

COUNTY OF MADISON,)
)
 Complainant,)
)
 v.) AC 94-70
) (County No. 94-1)
) (Administrative Citation)
 LEROY BECK,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon an August 12, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by Madison 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 Leroy Beck on August 10, 1994. Madison County alleges that on June 14, 1994, Leroy Beck, present owner and/or operator of a facility located in Madison County and commonly known to the County as Moro/Beck, 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.

Leroy Beck 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 Leroy Beck, 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 Leroy Beck shall, by certified check or money order payable to the General Fund-Solid Waste Fine, pay a penalty in the amount of \$500.00, which is to be sent to:

John M. Shimkus
Madison County Treasurer
157 N. Main Street
Edwardsville, Illinois 62025

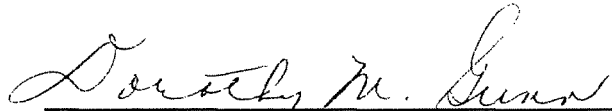
2. Respondent shall include the remittance form and write the case name and number and his social security or federal Employer Identification Number on the certified check or money order.

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.

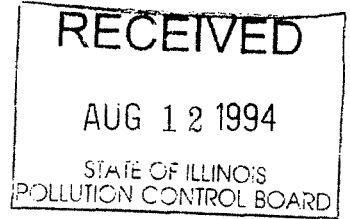
IT IS SO ORDERED.

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 6th day of October, 1994, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ADMINISTRATIVE CITATION

COUNTY OF MADISON,)
Complainant,)
)
vs.)
)
LEROY BECK,)
Respondent)

AC 94-70
Madison County
Citation #94-01

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by 415 ILCS 5/31.1 (1992 State Bar Edition) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1031.1] and delegated to Madison County pursuant to 415 ILCS 5/4(r) (1992 State Bar Edition) [formerly Ill. Rev. Stat. 1985, Supp. 1986, ch. 111 1/2, par. 1004(r)].

FACTS

1. That Respondent is the present owner and/or operator of a facility located in the County of Madison, State of Illinois.
2. That said facility is an open dump, without an Illinois Environmental Protection Agency Operating Permit, and designated with Site Code No. 1198120012. Said facility is commonly known to the Agency as Moro/Beck.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on June 14, 1994, David Terry of Madison County Environmental 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 direct observation of David Terry, the Madison County Environmental 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 June 14, 1994 an on-site inspection of said facility disclosed the following:

- X Causing or allowing litter 415 ILCS 5/21(p)(1)
(1992 State Bar Edition) [formerly Ill. Rev. Stat.
1991, ch. 111 1/2, par. 1021(p)(1)].
- Causing or allowing scavenging operations 415 ILCS
5/21(p)(2) (1992 State Bar Edition) [formerly Ill.
Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(2)].
- Causing or allowing open burning 415 ILCS 5/21(p)
(3) (1992 State Bar Edition) [formerly Ill. Rev.
Stat. 1991, ch. 111 1/2, par. 1021(p)(3)].
- Causing or allowing the deposition of waste in
standing or flowing waters 415 ILCS 5/21(p)(4)
(1992 State Bar Edition) [formerly Ill. Rev. Stat.
1991, ch. 111 1/2, par. 1021(p)(4)].

_____ Causing or allowing proliferation of disease vectors 415 ILCS 5/21(p)(5) (1992 State Bar Edition) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1021(p)(5)].

_____ Causing or allowing the generation of standing or flowing liquid discharge from the open dump site 415 ILCS 5/21(p)(6) (1992 State Bar Edition) [formerly Ill. Rev. Stat. 1991, ch. 111 1/2,, par. 1021(p)(6)].

CIVIL PENALTY

Pursuant to 415 ILCS 5/42(b)(4) (1992 State Bar Edition) [formerly 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 A., for a total of Five Hundred Dollars (\$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 Illinois Environmental Protection Agency 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 than 35 days from the Date of Service. 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 or money order should be made payable to the General Fund - Solid Waste Fine and mailed to the attention of John M. Shimkus, County Treasurer, 157 N. Main St., Edwardsville, IL 62025. 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 acknowledgement, default or finding after adjudicatory hearing is not paid when due, the Office of the Madison County States 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's Office will seek to recover their costs of litigation.

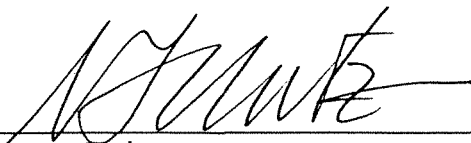
PROCEDURE FOR CONTESTING THIS

ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See 415 ILCS 5/31.1 (1992 State Bar Edition) [formerly 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 Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Madison County States 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 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 Madison County States Attorney's Office, 157 N. Main St., Suite 402, Edwardsville, IL 62025. Attn: Nelson Metz, Assistant States Attorney, Madison County.



Joseph D. Parente,
Administrator
Solid Waste Management
157 N. Main Ste. 254
Edwardsville, IL 62025-1964
(618) 692-6200, ext. 4616



Nelson Metz,
Madison County Assistant
State's Attorney
157 N. Main Ste. 402
Edwardsville, IL 62025-1969
(618) 692-6200, ext. 4550

REMITTANCE FORM

COUNTY OF MADISON,)
Complainant,)
)
vs.)
)
LEROY BECK)
Respondent.)

AC 94-70
Madison County
Citation #94-01

FACILITY: Moro/Beck

SITE CODE NO.: 1198120012

COUNTY: Madison

CIVIL PENALTY: \$ 500.00

DATE OF INSPECTION: June 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 John M. Shimkus, County Treasurer, 157 N. Main St., Edwardsville, IL 62025.