

ILLINOIS POLLUTION CONTROL BOARD  
May 18, 1995

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 95-5
	)	(IEPA Docket No. 768-94-AC)
ATKINSON LANDFILL COMPANY,	)	(Administrative Citation)
and DONALD MARTIN,	)	
	)	
Respondents.	)	

ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board on a May 8, 1995, "Motion to Withdraw". The respondents move to withdraw this appeal. Respondents also filed a status report with a Motion to File Instanter. The Board grants the motion to file instanter and accepts the status report.

On January 12, 1995, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). The Agency alleges that on November 18, 1994, a facility operated by respondent in the County of Henry was inspected. Based on this inspection the Agency alleges that respondents were in violation of Sections 21(o)(3), 21(o)(5), 21(o)(9) and 21(p)(11) of the Environmental Protection Act. (415 ILCS 5/21(o)(3), 21(o)(5), 21(o)(9) and 21(p)(11).) The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act. Therefore, respondents were subject to a total penalty of \$2,000.00 for the two alleged violations.

The Board hereby grants respondent's motion to withdraw the petition for review. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Atkinson Landfill Company and Donald Martin have violated the provisions alledged in the Administrative Citation. Since there are four (4) such violations, the total penalty to be imposed is \$2,000.00.

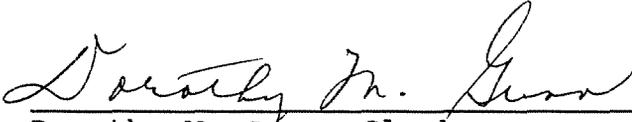
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order the respondents shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$2,000.00 which is to be sent to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
2200 Churchill Road  
Springfield, Illinois 62706

This docket is closed.

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 18<sup>th</sup> day of May, 1995, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board