

ILLINOIS POLLUTION CONTROL BOARD
August 8, 1991

COUNTY OF OGLE,)
)
 Complainant,)
)
 v.) AC 91-29
) (County No. 91-B-1001)
) (Administrative Citation)
 BROWNING FERRIS INDUSTRIES,)
)
 Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a June 21, 1991 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Ogle. 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 Browning Ferris Industries on June 18, 1991. The County of Ogle alleges that on April 19, 1991, Browning Ferris Industries, present owner and/or operator of a facility located in Ogle County, and commonly known to the Agency as BFI/Davis Junction Landfill, violated Section 21(p)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Browning Ferris Industries 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 Browning Ferris Industries 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 Browning Ferris Industries shall, by certified check or money order payable to the Ogle County Solid Waste Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

Ogle County Treasurer
Ogle County Courthouse
P.O. Box 40
Oregon, Illinois 61061

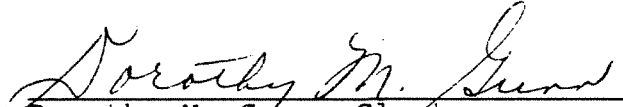
2. Respondent shall include the remittance form and write the case name and number and their social security or federal Employer Identification Number on the certified check or money order.

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 the violation continues.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1989, ch. 111 $\frac{1}{2}$, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

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 8th day of August, 1991, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board