

ILLINOIS POLLUTION CONTROL BOARD
January 25, 1990

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 89-203
)	(Administrative Citation)
WASTE HAULING LANDFILL, INC.,)	IEPA Case No. 9889-AC
)	
Respondent.)	
)	

ORDER OF THE BOARD (by J. Marlin):

This matter is before the Board on two motions filed on January 16, 1990. The Illinois Environmental Protection Agency (Agency) filed a motion to amend complaint on its face instanter. In support of its motion the Agency states that a settlement agreement has been reached with respondent. The Agency states that if the complaint is amended to dismiss Paragraph A(iii), the respondent will withdraw its Petition for Review and transmit the civil penalty for the remaining violations.

The respondent, Waste Hauling Landfill, Inc., filed a consolidated response to EPA motion to amend complaints and withdrawal of petitions for review. The respondent's state that the Agency's motion to amend implements the settlement agreement reached by the parties. The motion also withdraws the Petition for Review in this matter, the withdrawal to be effective on the date the Agency's motion is granted.

These motions are granted. The complaint will be amended to contain only Paragraphs A(i) and A(ii) of the original complaint. The respondents motion to withdraw is accepted and effective on the date of this Order. The Board finds that respondent has violated Sections 21(p)(5), and 21(p)(12), respectively. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act. The total penalty to be imposed is \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Waste Hauling Landfill, Inc., 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 \$1,000.00 which is to be sent to:

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

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 24 day of February, 1990, by a vote of 7-6.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board