

ILLINOIS POLLUTION CONTROL BOARD
August 6, 1987

IN THE MATTER OF:)
)
THE CITY OF STERLING,) AC 87-18
a Municipal Corporation in) (IEPA DOCKET NO. 8277-AC)
The State of Illinois,)
)
Respondents.)

ORDER OF THE BOARD (by J.D. Dumelle):

On July 16, 1987, the Board granted the Illinois Environmental Protection Agency's (Agency) motion to file an amended administrative citation because the Agency and the City of Sterling (Sterling) had arrived at a mutually agreeable resolution of the environmental problems at the site in question. A copy of that amended administrative citation is attached hereto. Today's matter comes before the Board upon an August 3, 1987, motion by Sterling to withdraw its petition for review filed April 13, 1987, as a result of the Board's acceptance of the amended administrative citation. Sterling's motion to withdraw is hereby granted.

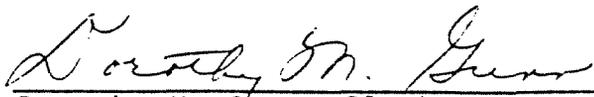
As the appeal has been withdrawn, the Board finds that Sterling has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the City of Sterling shall, by certified check or money order payable to the State of Illinois designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churnill 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 6th day of August, 1987 by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
THE CITY OF STERLING,)	PCB AC-87-18
a municipal corporation)	
in the State of)	IEPA DOCKET NO. 8277-AC
Illinois,)	
)	
Respondent.)	

MOTION TO FILE AMENDED ADMINISTRATIVE CITATION

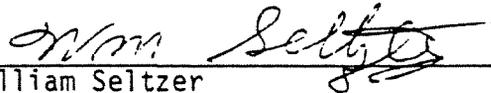
NOW COMES the Illinois Environmental Protection Agency and moves this Board to accept for filing the herein Amended Administrative Citation. In support hereof, the Illinois Environmental Protection Agency states as follows:

1. That the Agency and representatives of the City of Sterling, Respondent herein, have conferred and concluded with a mutually agreeable solution to the environmental problems concerning the subject site.
2. That the parties have agreed that the site will no longer be used as a landfill; that no more waste of any kind will be accepted; that there will be no further open burning of wastes; that two feet of final cover will be in place and certified by September 1, 1987; that the entrance gate will be locked at all times, except for proper use by City employees.
3. That Respondent has agreed to file a motion to withdraw their Petition for Review upon receiving the Board's Order accepting the herein Amended Administrative Citation. Furthermore, Respondent has agreed to pay the civil penalty requested in the herein Amended Administrative Citation.

WHEREFORE, the Illinois Environmental Protection Agency prays that
the Board accept the attached Amended Administrative Citation.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By 
William Seltzer
Enforcement Programs
2200 Churchill Road
P. O. Box 19276
Springfield, IL 62794-9276

Date: June 30, 1987

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached

MOTION TO FILE AMENDED ADMINISTRATIVE CITATION

upon the persons to whom it is directed, by placing a copy in envelopes addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
(Certified Mail-Return Receipt
Requested)

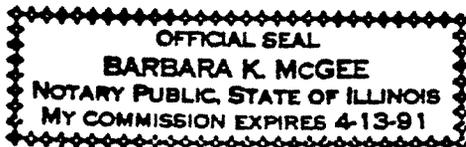
Mr. Ronald Coplan
City Attorney
City of Sterling
212 Third Avenue
Sterling, IL 61081

and mailing it from Springfield, Illinois, on June 30, 1987, with sufficient postage affixed.

Susan Holdmyer

Subscribed and Sworn To
before me this 30th day
of June, 1987.

Barbara K. McGee
Notary Public



~~Original~~ Do Not Remove

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

AMENDED ADMINISTRATIVE CITATION

IN THE MATTER OF:)	
)	
THE CITY OF STERLING)	PCB AC 87-18
a municipal corporation)	
in the State of Illinois,)	IEPA DOCKET NO. 8277-AC
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111½, par. 1031.1).

FACTS

1. That Respondent, City of Sterling, is the present operator of a facility located in the County of Whiteside, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating without Illinois Environmental Protection Agency Permits; and designated with Site Code No. 1950500019. Said facility is commonly known as City of Sterling Landfill.
3. That Respondent has operated said facility at all times pertinent hereto.
4. That on January 16, 1987, Jack Holzer, of the Illinois Environmental Protection Agency, inspected the above-described landfill 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 Jack Holzer, the Illinois Environmental Protection Agency has determined that Respondent was conducting an unpermitted landfill operation at the above-described facility, which is otherwise required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, par. 1021(d). Said facility was operated in a manner which resulted in the following conditions:

A. On January 16, 1987 inspection of said unpermitted landfill facility showed uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(5).

B. On January 16, 1987 inspection of said unpermitted landfill facility showed a failure to provide final cover within time limits established by Board Regulations, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(6).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1042(b)(4)), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A and B, for a total of One Thousand (\$1,000.00) Dollars. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you 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 upon receiving the Boards Order accepting this Amended Administrative Citation. 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.

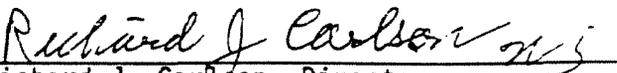
When payment is made, your check should be made payable to the Illinois Environmental Protection Trust fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, be reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due; the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the Offices of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, and hearing costs of the Illinois Environmental Protection

Agency and the Illinois Pollution Control Board, if any; the Attorney General'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 Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Illinois Environmental Protection Agency. 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 Illinois Environmental Protection Agency at 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, Attention: Enforcement Services.


Richard J. Carlson, Director
Illinois Environmental Protection Agency

Date: June 30, 1987