

ILLINOIS POLLUTION CONTROL BOARD
October 3, 1996

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 97-7
)	(IEPA No. 350-96-AC)
RCS, INC. and MICHAEL DUVALL,)	(Administrative Citation)
)	
Respondents.)	

ORDER OF THE BOARD (by C.A. Manning):

This matter comes before the Board upon the August 15, 1996 filing of an administrative citation pursuant to Section 31.1 of the Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that administrative citation is attached hereto. Service of the administrative citation was made upon RCS, Inc. and Michael Duvall (respondents) on August 14 and August 16, 1996. The Agency alleges that on June 18, 1996 respondents, present owners and/or operators of a facility located in Jersey County and commonly known to the Agency as RCS, Inc. Landfill, violated Sections 21(o)(1), 21(o)(11) and 21(o)(12) of the Act. The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act.

Respondents have 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)(1) of the Act. Therefore, the Board finds respondents have violated the provision alleged in the administrative citation. Since there are three (3) such violations, the total penalty to be imposed is set at \$1,500.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order, respondents shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,500, which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

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 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 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. 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 _____ day of _____, 1996, by a vote of

_____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board