

ILLINOIS POLLUTION CONTROL BOARD  
February 5, 1987

IN THE MATTER OF: )  
 )  
CITY OF KEWANEE ) AC 86-19  
 ) (IEPA Docket No. 8197-AC)  
Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a(n) December 24, 1986 filing of an administrative citation pursuant to Section 31.1 of the Illinois 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 the City of Kewanee on December 23, 1986. The Agency alleges that the City of Kewanee has violated Sections 21(p)(5), 21(p)(12), 21(p)(2), and 21(p)(3) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

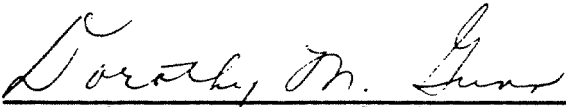
The City of Kewanee has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the City of Kewanee has violated each and every provision alleged in the Administrative Citation. Since there are four (4) such violations, the total penalty to be imposed is set at \$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 City of Kewanee 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, 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 5<sup>th</sup> day of February, 1987 by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



### VIOLATIONS

On the basis of direct observation of James J. Jones, the Illinois Environmental Protection Agency has determined that Respondent was conducting a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, par. 1021(d), in a manner which resulted in the following conditions:

A. On October 29, 1986 operated said landfill facility with uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(5).

B. On October 29, 1986 operated said landfill facility while having failed to collect and contain leachate from a previous operating day, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(12).

C. On October 29, 1986 operated said landfill facility in a manner which resulted in leachate flow entering Waters of the State, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(2).

D. On October 29, 1986 operated said landfill facility in a manner which resulted in leachate flows exiting the landfill confines, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(3).

### 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 through D, for a total of Two Thousand (\$2,000.00)

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.

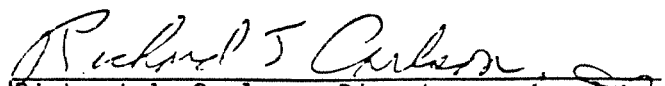
If you acknowledge the violations cited hereinabove, or if you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service, the civil penalty specified hereinabove shall be due and payable no later than February 3, 1987. Your 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 you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and costs assessed against you.

If any civil penalty, be reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due; then 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: December 22, 1986