

ILLINOIS POLLUTION CONTROL BOARD
July 13, 1989

IN THE MATTER OF:)
)
CITY OF ROCHELLE,) AC 89-68
)
Respondent.)

ORDER OF THE BOARD (by J. Marlin):

On May 30, 1989, the Illinois Environmental Protection Agency (Agency) filed a motion to dismiss Rochelle Disposal Service, Inc. (Rochelle Disposal) as the respondent and substitute the City of Rochelle (City) as the respondent in this matter.

On June 22, 1989, the Board issued an Order requesting that the Agency, Rochelle Disposal and the City address certain issues. The City and Rochelle Disposal filed their responses on June 30, 1989 and July 6, 1989 respectively.

The City's response consists of an affidavit by the City Attorney. The affidavit states that the City was not served with the instant citation within 60 days after the Agency's February 8, 1989 inspection. The City also asserts that Rochelle Disposal was not an authorized agent for the City in terms of receiving process. Finally, the City states that it is willing to "waive any objections it has regarding any failure to comply with the service requirements of Section 31.1(b)".

Given these circumstances the Board hereby grants the Agency's motion; the City is substituted for Rochelle Disposal as respondent in this matter. The caption of this Order reflects this substitution.

A copy of the Administrative Citation is attached hereto. The Agency alleges that the City has 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.

The City has not filed a Petition for Review with the Clerk of the Board. Therefore, pursuant to Section 31.1(d)(1), the Board finds that the City has violated the provision alleged in the Administrative Citation. Since there is one (1) violation, the total penalty to be imposed is set at \$500.00.

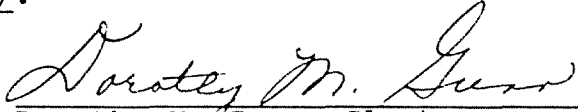
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order the City shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$500.00 which is to be sent to:

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

IT IS SO ORDERED.

Board Member J. G. Anderson concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 13th day of July, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board