

ILLINOIS POLLUTION CONTROL BOARD
June 25, 1987

IN THE MATTER OF:)
)
BROWNING-FERRIS INDUSTRIES) AC 87-40
) (87-1AC)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a May 6, 1987 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the St. Clair County Health Department. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Browning-Ferris Industries on May 5, 1987. The St. Clair County Health Department alleges that Browning-Ferris Industries has violated Sections 21(p)(5) and 21(p)(12) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

Browning-Ferris Industries 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 Browning-Ferris Industries 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 \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Browning-Ferris Industries shall, by certified check or money order payable to the St. Clair County Health Department, pay a penalty in the amount of \$1000.00, which is to be sent to:

St. Clair County Health Department
25 Bellevue Park Plaza
Belleville, Illinois 62223

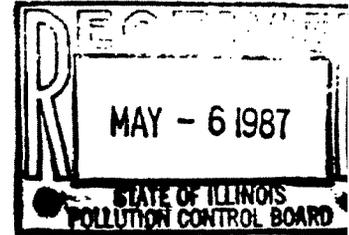
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 25th day of June, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

STATE OF ILLINOIS
COUNTY OF ST. CLAIR



ADMINISTRATIVE CITATION

THE MATTER OF:)
)
)
DOWNING-FERRIS IND.)
Foreign Corporation)
Permitted To Do Business)
Illinois)
)
Respondent.)

AC 87-40
~~87-1AG~~

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.), and delegated to St. Clair County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1004 (r).

FACTS

1. That Respondent, a Missouri corporation, is the present operator of a facility located in the County of St. Clair, State of Illinois.
2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1980-35 OP, and designated with Site Code No. 1630100003. Said facility is commonly known to the Agency as Belleville/BFI Modern.
3. That Respondent has operated said facility at all times pertinent hereto.

4. That on April 20, 1987, Don Brannon, of the County of St. Clair, 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 Don Brannon, the County of St. Clair 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. 111 1/2, par. 1021(a) in a manner which resulted in the following conditions:

- A. On April 20, 1987, operated said sanitary landfill facility with uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(P) (5).
- B. On April 20, 1987, operated said sanitary landfill facility while having failed to collect and contain litter from the site by the end of a previous operating day, in violation of Ill. Rev. Stat. 1987, ch 111 1/2, par. 1021 (P) (12).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2 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 Dollars (\$1000,00). 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 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 no later than June 9, 1987. If payment is not received by such date, this citation will be forwarded to the Illinois Environmental Protection Agency for judgement. If you do not petition the Illinois Pollution Control Board for review of this Administration 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.

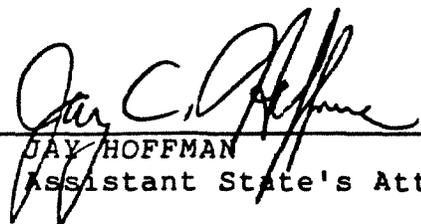
When payment is made, your check should be made payable to LANDFILL CITATION FUND and mailed to Paul Haas, County Collector, #10 Public Square, Belleville, IL 62220.

If any civil penalty, by 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 St. Clair County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Pollution Control Board, if any; the State's Attorney will seek to recover their costs of litigation.

JOHN BARICEVIC
State's Attorney



Karen D. Hoffman
St. Clair County
Public Health

BY: 

JAY HOFFMAN
Assistant State's Attorney

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. 111 1/2, par. 1031). 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 St. Clair County State's Attorney, attention, John Baricevic, at the St. Clair County Courthouse. 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 State's Attorney at the St. Clair County Courthouse.

ate:

STATE OF ILLINOIS
COUNTY OF ST. CLAIR

THE MATTER OF:)
)
)
OWNING-FERRIS IND.)
LEVILLE/BFI MODERN)
)
)
Respondent.)

Ac 87-40

Affiant, Don Brannon, being first duly sworn, voluntarily
poses and states as follows:

1. Affiant is a field inspector employed by the County of
Clair and has been so employed at all times pertinent hereto.
2. On April 20, 1987, between 9:30 a.m. and 12:00 p.m., Affian
ducted an inspection of the sanitary landfill in St. Clair County,
linois, known as Belleville/BFI Modern, Illinois Environmental
rotection Agency Site No. 1630100003, operating under IEPA Permit No.
30-35-OP.
3. Affiant inspected said Belleville/BFI Modern Landfill site
an on-site inspection which included walking the site and inter-
ewing personnel.
4. Before and after said inspection of said landfill site,
ffiant reviewed Illinois Environmental Protection Agency permits
sued to the subject site and investigated into whether or not requir
uments were timely filed on behalf of the subject site.
5. As a result of the activities referred to in Paragraphs 3
d 4 above, Affiant completed the Inspection Report Form attached
reto and made a part hereof, which, to the best of Affiant.'s

nowledge and belief, is an accurate representation of Affiant's
servations and factual conclusions with respect to Belleville/BFI
dern Landfill.

Donald K. Brannon

bscribed and Sworn Before Me
is 30th day of April, 1987

Colleen Ford
Notary Public

ARY PUBLIC STATE OF ILLINOIS
COMMISSION EXP. APR. 3, 1989
SUED THRU ILL. NOTARY ASSOC.

ST. CLAIR COUNTY HEALTH DEPARTMENT

REMITTANCE FORM

IN THE MATTER OF:)
BROWNING-FERRIS IND.)
A FOREIGN CORPORATION)
LICENSED TO DO BUSINESS)
IN ILLINOIS)
Respondent.)

Ac 87-40

FACILITY: Belleville/BFI-Modern Landfill

SITE CODE NO: 1630100003

COUNTY: St. Clair

CIVIL PENALTY: \$1,000.00

DATE OF INSPECTION: April 20, 1987

DATE REMITTED: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form to:

Landfill Citation Fund
Attn: Paul Haas, County Collector
#10 Public Square
Belleville, IL 62220