

ILLINOIS POLLUTION CONTROL BOARD
February 18, 1999

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) AC 99-20
) (IEPA No. 708-98-AC)
LAWRENCE COUNTY DISPOSAL) (Administrative Citation)
CENTRE, INC., S & S GRADING of)
ILLINOIS, INC., and GARY MCLAREN,)

Respondent.

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On December 2, 1998, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board naming Lawrence County Disposal Centre, Inc., S & S Grading of Illinois, Inc., and Gary McLaren as respondents. The administrative citation was filed in response to observed violations of the Environmental Protection Act (Act) that occurred at a sanitary landfill in Lawrence County on October 8, 1998.

The administrative citation alleges that respondent Lawrence County Disposal Centre owned the Lawrence County Regional Landfill (landfill) and that respondents S & S Grading of Illinois, Inc. and Gary McLaren operated the landfill. It alleges that respondents allowed leachate flows from the landfill to enter the waters of the State in violation of Section 21(o)(2) of the Act. 415 ILCS 5/21(o)(2) (1996). The administrative citation also alleges that respondents allowed uncovered refuse to remain at the landfill from a previous operating day and failed to collect and contain litter from the landfill by the end of each operating day in violation of Sections 21(o)(5) and 21(o)(12) of the Act. 415 ILCS 5/21(o)(5) and (o)(12) (1996). The Board received respondents' amended petition for review on January 4, 1999, and accepted this case for hearing on January 7, 1999.

On February 11, 1999, the parties filed a "Joint Stipulation of Settlement and Dismissal of Respondent's Petition for Administrative Review (stipulation). In the stipulation, respondents admit the alleged violations of Sections 21(o)(5) and 21(o)(12) of the Act and agree to pay a civil penalty of \$1,000. Both parties agree that, contingent upon the Board's acceptance and adoption of the terms and conditions of the stipulation, the alleged violation of Section 21(o)(2) shall be dismissed. Both parties also agree that, on the same contingency, the administrative citation and the petition for review shall be dismissed.

Section 31.1(d) of the Act (415 ILCS 5/31.1(d) (1996)) authorizes the Board to impose a civil penalty pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1996)) for a violation of the Act as alleged in an administrative citation.

This opinion constitutes the Board's findings of fact and conclusion of law in this matter.

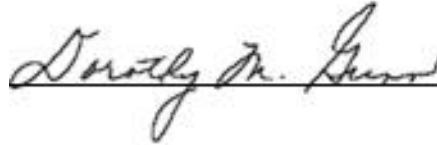
ORDER

1. The Board finds that respondents allowed uncovered refuse to remain at the landfill from a previous operating day litter in violation of 415 ILCS 5/21(o)(5) (1996).
2. The Board finds that respondents failed to collect and contain litter from the landfill by the end of each operating day in violation of 415 ILCS 5/21 (o)(12) (1996).
3. Respondents shall pay the sum of \$1,000 by March 22, 1999. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, shall be included on the check (or money order). In addition, the federal employer identification number (FEIN) for Lawrence County Disposal Centre, or the FEIN for S&S Grading of Illinois, Inc., or the FEIN or social security number for Gary McLaren shall also be included on the check (or money order). The check (or money order) should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
4. The check (or money order) shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
5. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 18th day of February 1999 by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board