

ILLINOIS POLLUTION CONTROL BOARD  
October 25, 1990

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) AC 89-115  
 ) (IEPA Case No. 9677-AC)  
 ) (Administrative Citation)  
CITY OF ST. FRANCISVILLE, an )  
Illinois Municipal corporation, )  
 )  
Respondent. )

ORDER OF THE BOARD BY (J. C. Marlin):


This matter comes before the Board on the September 28, 1990 motion filed by the respondent. The motion requests a review of the penalties assessed in a July 13, 1989 Default Order issued by the Board. That order found the City of St. Francisville operating a sanitary landfill in violation of Section 21(p)(5) and 21(p)(4) of the Environmental Protection Act. The Default Order was issued after respondent failed to file a petition for review with the Board. Respondent states in support of its motion that the regulations and penalty in this matter should be commensurate with the size of the community. Respondent also states that the delay in responding to this matter is due to "a change in the mayors office and this issue has just come to [my] attention."

The Illinois Environmental Protection Agency (Agency) filed a "Response to Respondent's Letter Asking for Review" on October 18, 1990. The Agency requests that the Board "not condone the respondent's inaction." To support its request the Agency's response states that the City of St. Francisville (City) received the administrative citation on June 8, 1989, after which the City had thirty-five days to respond to the Board. The City did not respond and a Default Order was issued on July 13, 1989. On March 19, 1990, the Agency notified the City that the civil penalty from the Default Order was due. On June 8, 1990 the Attorney General's Office notified the City that collection proceedings would be brought if payment was not received. On July 20, 1990, the Attorney General's Office filed a collection action against the City.

The Board's procedural rules (35 Ill. Adm. Code 101. et. seq.) provide several methods for relief from Board final orders. These methods are all constrained by time limits for filing for such relief. The City of St. Francisville states no basis for relief from the Board's July 13, 1989 final order. The motion is denied.

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 25<sup>th</sup> day of October, 1990, by a vote of 7-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board