

ILLINOIS POLLUTION CONTROL BOARD

June 21, 2001

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	AC 01-41
)	(IEPA No. 184-01-AC)
RCS, INC., MIKE WHITLOCK, and MIKE)	(Administrative Citation)
CASSONS,)	
)	
Respondents.)	

ORDER OF THE BOARD (by C.A. Manning):

On May 8, 2001, the Illinois Environmental Protection Agency (Agency) filed an administrative citation with the Board against RCS, Inc. (RCS), Mike Whitlock (Whitlock), and Mike Cassons (Cassons), pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (2000)). The administrative citation alleges that respondents conducted a sanitary landfill operation in a manner which resulted in uncovered refuse remaining from a previous operating day and resulted in failure to collect and contain litter at the end of the operating day. These alleged violations occurred at the facility located at 1336 Crystal Road, Jerseyville, Jersey County, Illinois, in violation of Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2000)). The statutory penalty established for each violation is \$500 pursuant to Section 42(b)(4) of the Act. 415 ILCS 5/42(b)(4) (2000).

The record indicates that respondents RCS and Whitlock were served with the administrative citation on May 7, 2001, and Cassons was served with the administrative citation on May 11, 2001. Respondents have not filed a petition for review with the Clerk of the Board within 35 days of the date of service (*i.e.*, on or before June 11, 2001, and June 15, 2001, respectively) as required by Section 31.1(d)(1) of the Act. 415 ILCS 5/31.1(d)(1) (2000). Accordingly, the Board finds that respondents have violated the provisions of the Act alleged in the administrative citation, which is attached hereto.

It is hereby ordered that:

1. Respondents must pay a civil penalty in the amount of \$1000 within 30 days of the date of this order, that is, on or before July 21, 2001.
2. Payment must be made in the form of a certified check or money order, payable to the Illinois Environmental Protection Trust Fund. The case number, case name, and

respondents' social security number or federal employer identification number must also be included on the check or money order.

3. The check or money order and the remittance form must be sent to:

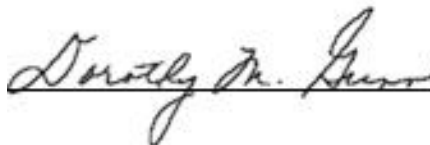
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (2000).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (2000)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 21st day of June 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board