

ILLINOIS POLLUTION CONTROL BOARD

March 17, 2005

COUNTY OF JACKSON,)	
)	
Complainant,)	
)	
v.)	AC 05-48
)	(Site# 0770200002)
SOUTHERN ILLINOIS REGIONAL)	(Administrative Citation)
LANDFILL, INC., DOUG TICER, and)	
GEORGE BROWNING,)	
)	
Respondents.)	

OPINION AND ORDER OF THE BOARD (by J.P. Novak):

On February 10, 2005, the County of Jackson timely filed an administrative citation against Southern Illinois Regional Landfill, Inc., Doug Ticer, and George Browning (respondents). *See* 415 ILCS 5/31.1(c) (2002); 35 Ill. Adm. Code 108.202(c). The County of Jackson alleged that on December 9, 2004, the respondents violated Section 21(o)(5) and (o)(12) of the Environmental Protection Act (Act) (415 ILCS 5/21(o)(5) and (o)(12) (2002)). The County of Jackson further alleges that the respondents violated these provisions by conducting a sanitary landfill operation in a manner that resulted in (1) uncovered refuse remaining from a previous operating day or at the conclusion of an operating day; and (2) failing to collect and contain litter by the end of each operating day at 1540 Landfill Road, DeSoto, in Jackson County.

As required, the County of Jackson served the administrative citation on the respondents within "60 days after the date of the observed violation." 415 ILCS 5/31.1(b) (2002); *see also* 35 Ill. Adm. Code 108.202(b). To contest an administrative citation, a respondent must file a petition with the Board no later than 35 days after being served with the administrative citation. If the respondent fails to do so, the Board must find that the respondent committed the violations alleged and impose the corresponding civil penalty. 415 ILCS 5/31.1(d)(1) (2002); 35 Ill. Adm. Code 108.204(b), 108.406. Here, any petition for review was due on February 18, 2005, as to the respondent Southern Illinois Regional Landfill, Inc., February 23, 2005, as to the respondent George Browning, and February 24, 2005, as to the respondent Doug Ticer. Each of the respondents failed to timely file a petition. Accordingly, the Board finds that each of the respondents violated Section 21(o) of the Act.

The civil penalty for violating Section 21(o) is \$500 for each violation. 415 ILCS 5/42(b)(4) (2002); 35 Ill. Adm. Code 108.500(a). Because there are two violations of Section 21(o), the total civil penalty is \$1,000. Under Section 31.1(d)(1) of the Act, the Board attaches the administrative citation and makes it part of the order below.

This opinion constitutes the Board's finding of fact and conclusions of law.

ORDER

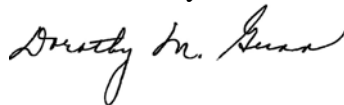
1. The Board finds that the respondents violated Sections 21(o)(5) and (o)(12) of the Act as alleged. The respondents must pay a civil penalty of \$1,000 no later than April 18, 2005, which is the first business day after the 30th day after the date of this order.
2. The respondents must pay the civil penalty by certified check or money order, made payable to the Jackson County Treasurer's Office. The case number, case name, and the respondents's social security number or federal employer identification number must be included on the certified check or money order.
3. The respondents must send the certified check or money order and the remittance form to:

Shirley Dillinger Booker
Jackson County Treasurer
Murphysboro, Illinois 62966
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
5. Payment of this penalty does not prevent future prosecution if the violations continue.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 17, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board