

ILLINOIS POLLUTION CONTROL BOARD
June 1, 1995

COUNTY OF OGLE,)
)
 Complainant,)
)
 v.) AC 94-37
) (SA-R-1002)
 CITY OF ROCHELLE AND) (Administrative Citation)
 ROCHELLE DISPOSAL)
 SERVICE, INC.,)
)
 Respondents.)

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

On June 13, 1994, the complainant County of Ogle (County) filed an administrative citation against the City of Rochelle (City) and Rochelle Disposal Inc. (Disposal). The administrative citation alleges that the City and Disposal violated Sections 21(o)(1), (5) and (12) of the Environmental Protection Act (Act). (415 ILCS 5/21(o)(1), (5) and (12) (1992).) The County is vested with the authority to bring such a citation pursuant to Section 31.1 of the Act (415 ILCS 5/31.1) and a delegation of authority agreement with the Illinois Environmental Protection Agency statutorily authorized in Section 4(r) of the Act. (415 ILCS 5/4(r).) Respondent, Disposal, filed a timely petition for review on June 27, 1994. No hearings have been held in this matter.

On May 5, 1995 the County and Disposal filed a revised Stipulated Settlement in accordance with the Board's interim opinion and order of April 20, 1995. The May 5, 1995 revised Stipulation is incorporated by reference in this opinion. Pursuant to the revised Stipulation filed by the parties, the County seeks to dismiss the alleged violation of Section 21(o)(1) of the Act and Disposal admits to violating the remaining alleged violations and withdraws its petition for review. In addition the County dismisses the administrative citation as to the City.

The Board accepts the revised Stipulation and pursuant to that agreement finds Rochelle Disposal Service, Inc. in violation of Section 21(o)(5) and (12) of the Act and assesses the statutory penalty of five hundred dollars (\$500.00) for each alleged violation. (415 ILCS 5/42 (1993).) There are no hearing costs to assess against Disposal because no hearing was held in this matter.

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

ORDER

1. As, the complainant, County of Ogle, withdraws the alleged violation of Section 21(o)(1) of the Act, paragraph 5(c) of the administrative citation, this allegation is dismissed.
2. Respondent, Rochelle Disposal Inc., is hereby found to have violated 21(o)(5) and (12) of the Act, paragraph 5(a) and (b) of the administrative citation.
3. Within thirty (30) days of this order, unless the penalty has already been paid, respondent, Rochelle Disposal Inc., shall pay a penalty of \$1000.00 by certified check or money order, payable to the County of Ogle on or before June 31, 1995.


Ogle County Treasurer
Ogle County Courthouse
P.O. Box 40
Oregon, Illinois 61061.
4. The respondent shall write the case name and number, and its social security number or federal Employer Identification Number, on the certified check or money order.
5. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Environmental Protection Act.
6. Payment of this penalty does not prevent future prosecution if the violation continues.

IT IS SO ORDERED.

Board member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 1st day of June, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board