

ILLINOIS POLLUTION CONTROL BOARD  
October 3, 1996

MONTGOMERY COUNTY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 96-51
	)	(Administrative Citation)
	)	
ENVOTECH-ILLINOIS,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on a September 19, 1996 Motion for Reconsideration filed by Envotech-Illinois (Envotech) within the statutory 35-day deadline, pursuant to Section 41 of the Illinois Environmental Protection Act (415 ILCS 5/41 (1994) (Act). Envotech is requesting the Board to reconsider the Board's September 5, 1996 decision which found Envotech in violation of Sections 21(o)(5) and 21(o)(12) of the Act. Complainant, Montgomery County, did not file a response. The Board grants Envotech's motion for reconsideration.

The administrative citation was originally filed by Montgomery County on May 21, 1996, and Envotech filed its petition for review on June 17, 1996. The parties reached a joint stipulation and settlement agreement which was filed September 3, 1996 wherein Envotech admitted to two counts of failure to collect and contain litter at its landfill in violation of Section 21(o)(12) of the Act. The stipulation and settlement further stated that Montgomery County dismissed the remaining violations of the Administrative Citation, namely, one allegation of litter and three allegations of uncovered refuse. (415 ILCS 5/21(o)(5) and 5/21(o)(12).) However, the Board's September 5, 1996 opinion and order stated that Envotech admitted to one count of violation of Section 5/21(o)(5) and one count of violation of Section 21(o)(12). As a result of this error, the Board hereby vacates its prior order, and sets forth below a revised order to reflect that Envotech admitted to two counts of failure to collect and contain litter at its landfill in violation of Section 21(o)(12) of the Act.

In its motion for reconsideration, Envotech also agrees to pay the statutory penalty of \$1,000 in full; however, Envotech requests that the time period by which to pay its penalty be extended to thirty days from the date of this order. The Board grants this request.

For the convenience of the parties the Board has set forth below an amended order in its entirety.

ORDER

1. It is hereby ordered that, unless the penalty has already been paid by November 4, 1996, respondent shall, by certified check or money order payable to Montgomery County Treasurer, pay a penalty in the amount of \$1,000, which shall be sent to:

Attn: Ms. Amy Stewart, Director  
Montgomery County Health Department  
South Route 185  
Hillsboro, Illinois 62049

2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number on the certified check or money order.

3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.

4. Payment of this penalty does not prevent future prosecution if violations continue.

This docket is hereby closed.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order to the Appellate Court.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board