

ILLINOIS POLLUTION CONTROL BOARD
February 9, 1995

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	AC 94-71
)	(Administrative Citation)
v.)	(IEPA No. 409-94-AC)
)	
ATKINSON LANDFILL COMPANY, INC.)	
)	
Respondent.)	

ORDER OF THE BOARD (by E. Dunham):

This matter is before the Board on a "Motion to Withdraw" filed by respondent on February 3, 1995. The respondent seeks to withdraw its petition for review because it has decided not to contest the citation and has paid the required penalty.

On August 16, 1994, an Administrative Citation was filed with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). The Agency alleges that on June 16, 1994, a facility operated by respondent in the County of Henry was inspected. Based on this inspection the Agency alleges that respondent was in violation of Sections 21(o)(1), 21(o)(2), 21(o)(3) and 21(o)(5) of the Act. The statutory penalty established for each violation is \$500.00 pursuant to Section 42(b)(4) of the Act. Therefore, respondent was subject to a total penalty of \$2,000.00 for the four alleged violations.

The Board hereby grants respondent's motion to withdraw the petition for review. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Atkinson Landfill Company, Inc. violated the provisions alleged in the Administrative Citation. Since there are four (4) such violations, the total penalty to be imposed is \$2,000.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order the respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay a penalty in the amount of \$2,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, IL 62706.

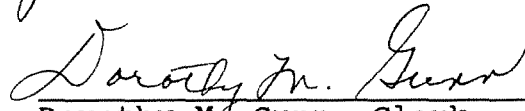
2. Respondent shall include the remittance form and write the case name and number and its social security or federal employer identification number on the certified check or money order.
3. Penalties unpaid after the due date shall accrue interest pursuant to Section 42(g) of the Illinois Environmental Protection Act.
4. Payment of this penalty does not prevent future prosecution if the violation continues.

This docket is hereby closed.

IT IS SO ORDERED.

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

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 9th day of February, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board