

ILLINOIS POLLUTION CONTROL BOARD  
June 8, 2000

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	AC 00-73
	)	(IEPA No. 120-00-AC)
LANDFILL 33, LTD., an Illinois corporation,	)	(Administrative Citation)
and RICHARD DEIBEL,	)	
	)	
Respondents.	)	

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

On March 28, 2000, complainant properly and timely filed an administrative citation with the Board pursuant to Section 31.1 of the Environmental Protection Act (Act) (415 ILCS 5/31.1 (1998)), alleging that respondent violated Sections 21(o)(5) and 21(o)(12) of the Act (415 ILCS 5/21(o)(5), 21(o)(12) (1998)).

On May 18, 2000, the Board issued an order incorrectly assessing the statutory penalty per violation at \$1,500, for a total penalty of \$3,000. In its order, the Board stated that Public Act 91-82, which became effective January 1, 2000, raised the statutory penalty to \$1,500 per violation. In fact, Public Act 91-82 raised the statutory penalty to \$1,500 for violations of Section 21(p) of the Act (415 ILCS 5/21(p) (1998)) only. Pursuant to Section 42(b)(4) of the Act (415 ILCS 5/42(b)(4) (1998)), the statutory penalty for a violation of Section 21(o) of the Act (415 ILCS 5/21(o) (1998)) remains at \$500.

Therefore, the Board amends its May 18, 2000 order to correct the statutory penalty to \$500 per violation, for a total penalty of \$1,000. The parties shall disregard the Board order issued on May 18, 2000, and comply with the following order.

It is hereby ordered that:

1. Respondents shall pay a civil penalty in the amount of \$1,000 within 30 days of the date of this order.
2. Payment shall 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 should also be included on the check or money order.

3. The check or money order shall be sent to:

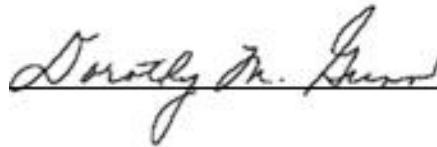
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. Penalties unpaid after 30 days of the date of this order shall accrue interest pursuant to Section 42(g) of the Act. 415 ILCS 5/42(g) (1998).
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 (1998)) 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 101.246, 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 8th day of June by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board