

ILLINOIS POLLUTION CONTROL BOARD  
September 5, 1996

MONTGOMERY COUNTY, ILLINOIS,	)	
	)	
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 3, 1996 Joint Motion for Voluntary Dismissal and Joint Stipulation. This administrative citation was originally filed by complainant Montgomery County on May 21, 1996, and respondent Envotech-Illinois filed its petition for review on June 17, 1996. Hearing was set for August 28, 1996 but thereafter canceled after both parties agreed to settle.

In the joint stipulation of settlement, the parties state that they have engaged in negotiations and have reached a settlement agreement. As part of this agreement, respondent Envotech-Illinois admits that it caused or allowed uncovered refuse at its special waste landfill in violation of Section 21(o)(5) of the Illinois Environmental Protection Act (Act), and failed to collect and contain litter at its landfill in violation of Section 21(o)(12) of the Act, as alleged in the administrative citation. (415 ILCS 5/21(o)(5) and 5/21(o)(12) (1994).) Montgomery County agrees to dismiss the remaining violations set forth in paragraphs 1.a, 2.a, 3.a, and 3.b of the complaint. Envotech-Illinois agrees to pay the statutory penalty of \$1,000 in full on or before October 7, 1996, and requests that the Board dismiss his petition for review in this case. The proposed settlement agreement does not preclude enforcement against respondent for any future violations of local, state, federal or common law, including but not limited to violations of the same type and nature as those enumerated in the May 21, 1996 administrative citation.

The Board hereby accepts the stipulated settlement agreement proposed by the parties. The attached order therefore find respondent Envotech-Illinois in violation of Sections 21(o)(5) and 21(o)(12) of the Act, assesses the statutory penalty of \$1,000, and directs Envotech-Illinois to pay such penalty on or before, October 7, 1996.

ORDER

1. It is hereby ordered that, unless the penalty has already been paid, by October 7, 1996, respondent shall, by certified check or money order payable to the Illinois Environmental Protection Trust Fund, pay a penalty in the amount of \$1,000, which shall be sent to:

Illinois Environmental Protection Agency  
Attn: Fiscal Services  
2200 Churchill Road, P.O. Box 19276  
Springfield, Illinois 62974-9276

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.

Board Member McFawn abstained in this matter.

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. 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 order was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of \_\_\_\_\_.

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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board