

ILLINOIS POLLUTION CONTROL BOARD  
September 6, 2001

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 01-44
	)	(Enforcement – Land, Water)
RATLIFF BROTHERS AND CO., INC., an	)	
Illinois corporation,	)	
	)	
Respondent.	)	
	)	

OPINION AND ORDER OF THE BOARD (by S.T. Lawton, Jr.):

On June 6, 2001, the People of the State of Illinois (People) and respondent, Ratliff Brothers and Co., Inc. (Ratliff) filed a joint stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement by the two parties in this matter.

On August 31, 2000, the People filed a three-count complaint alleging that Ratliff caused or allowed open dumping of demolition debris and other general refuse on property owned by Giant Goose Conservation Education Workshop, Inc. in Henry County, Illinois. The People alleged that the discharge of the demolition debris and general refuse on the property caused or tended to cause water pollution and a water pollution hazard. The People also alleged that Ratliff caused or allowed the development and operation of a new solid waste management site on the property without obtaining the necessary permits. This activity was alleged to be in violation of Sections 12(a), 12(d), 21(a), 21(e), 21(p)(1) and 21(p)(4) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 5/12(d), 5/21(a), 5/21(e), 5/21(p)(1), 5/21(p)(4) (2000)); and Sections 807.201, 807.202(a), and 812.101(a) of the Board's regulations (35 Ill. Adm. Code 807.201, 807.202(a), 812.101(a)).

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *Geneseo Republic* on June 29, 2001. The Board has not received any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement between the People and Ratliff sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Ratliff admits that it violated the Act and Board regulations as alleged in the complaint in this matter. Ratliff agrees to pay a penalty of \$10,000 into the Illinois Environmental Protection Trust Fund, at a rate of \$5,000 per year over a two-year period, commencing on the date that this order is adopted.

Ratliff has acted to resolve the alleged violations in this matter. It must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

### **ORDER**

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Ratliff Brothers and Co., Inc. (Ratliff), which alleges that Ratliff: caused or allowed open dumping of demolition debris and other general refuse on property owned by Giant Goose Conservation Education Workshop, Inc. in Henry County, Illinois; discharged the demolition debris and general refuse onto the property in a manner that caused or tended to cause water pollution and a water pollution hazard; and caused or allowed the development and operation of a new solid waste management site on the property without obtaining the necessary permits. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Ratliff must pay \$10,000 within two years of the date of this order. The penalty shall be paid at a rate of \$5,000 per year over a two year period, in monthly installments of \$1,000 due on the tenth day of each of the months of July, August, September, October, and November for each of the years 2002 and 2003.
3. Ratliff must make the payment by certified check or money order, payable to the Treasurer of the State of Illinois, and designated to the Environmental Protection Trust Fund. The case number, case name, and the Federal Employer Identification Number of Ratliff, shall also be included on each check or money order, and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order shall be sent by first class mail to:

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

A copy of the payment transmittal and check or money order must be simultaneously submitted to:

Donna Lutes  
Assistant Attorney General  
Illinois Attorney General's Office  
Environmental Bureau

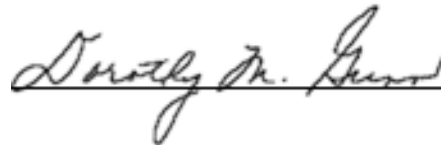
500 South Second Street  
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (2000)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondents shall cease and desist all future violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the Board adopted the above opinion and order on September 6, 2001, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board