

ILLINOIS POLLUTION CONTROL BOARD
April 16, 1987

IN THE MATTER OF:)
)
EVERETT ALLEN, d/b/a) AC 87-5
ALLEN WASTE MANAGEMENT) (IEPA Docket No. 8222-AC)
)
Respondent.)

ORDER OF THE BOARD:

This matter comes before the Board upon a February 26, 1987 filing of an amended Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the Illinois Environmental Protection Agency (Agency). A copy of that amended Administrative Citation is attached hereto. The Agency alleges that Everett Allen has violated Section 21(p)(5) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.


Therefore, pursuant to Section 31.1(d)(1), the Board finds that Everett Allen has violated the provision alleged in the amended Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Everett Allen 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 \$500.00 which is to be sent to:

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

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16th day of April, 1987 by a vote of 6-0.

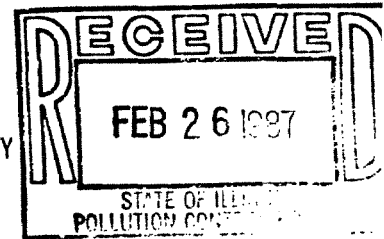


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Resolution and Order was adopted on the _____ day of _____, 1987 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
AMENDED ADMINISTRATIVE CITATION



IN THE MATTER OF:)	
)	AC-87-5
EVERETT ALLEN, d/b/a)	
Allen Waste Management,)	IEPA DOCKET NO. 8222-AC
)	
Respondent.)	

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1031.1).

FACTS

1. That Respondent, Everett Allen, is the present operator of a facility located in the County of Perry, State of Illinois.
2. That said facility is or was operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permit No. 1982-25-OP, and designated with Side Code No. 1458330001. Said facility is commonly known to the Agency as DuQuoin/Perry County Landfill.
3. That Respondent has been responsible for operating and/or maintaining said facility at all times pertinent hereto.
4. That on December 23, 1986, Gerald Steele of the Illinois Environmental Protection Agency inspected the above-described landfill facility. A copy of the inspection report setting forth the results of such inspection is attached hereto and made a part hereof.

VIOLATIONS

On the basis of direct observation of Gerald Steele, the Illinois Environmental Protection Agency has determined that Respondent was responsible for a sanitary landfill operation at the above-described facility, which is required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1021(d), in a manner which resulted in the following conditions:

- A. On December 23, 1986, said landfill facility appeared to be inactive, but had not been "closed" pursuant to the Illinois Environmental Protection Act and had:
 - (I). Uncovered refuse remaining from a previous operating day, in violation of Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1021(p)(5).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1042(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph A(I), for a total of Five Hundred (\$500.00) Dollars. Additionally, should you elect to petition the Illinois Pollution Control Board under the review process described hereinbelow, and if there is a finding of the violations alleged herein, after an adjudicatory hearing, you shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, in addition to the Five Hundred Dollar (\$500.00) statutory penalty for each finding of violation.

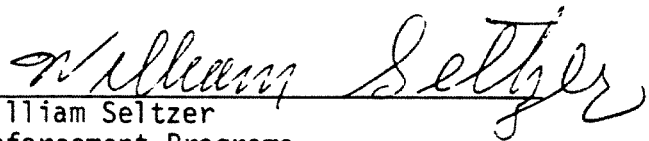
If you acknowledge the violations cited hereinabove, the civil penalty specified above shall be due and payable no later than March 6, 1987. If you do not petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of service hereof or if you elect to contest this Administrative Citation, any judgment rendered against you shall specify the due date of the statutory civil penalty and any costs assessed against you.

When payment is made, your check should be made payable to the Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 2200 Churchill Road, P. O. Box 19276, Springfield, Illinois 62794-9276. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. Furthermore, if payment is not received when due, the Offices of the Illinois Attorney General shall be requested to initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty and hearing costs of the Illinois Environmental Protection Agency and the Illinois Pollution Control Board, if any, the Attorney General's Office will seek to recover their costs of litigation.

PROCEDURE FOR CONTESTING THIS
ADMINISTRATIVE CITATION

You have the right to contest this Administrative Citation. See Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111 1/2, par. 1031.1). If you elect to contest this Administrative Citation, you must file a Petition for Review with the Clerk of the Illinois Pollution Control Board. A copy of the Petition for Review should be filed with the Illinois Environmental Protection Agency. Such Petition for Review must be filed within thirty-five (35) days of the date of service of this Administrative Citation, or a default judgment shall be entered by the Pollution Control Board. The Petition for Review may be filed with the Clerk of the Illinois Pollution Control Board at the State of Illinois Center, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601; and a copy of said Petition for Review filed with the Illinois Environmental Protection Agency at 2200 Churchill Road, P. O. Box 19276, Springfield, Illinois 62794-9276, Attention: Enforcement Services.



William Seltzer
Enforcement Programs

Date: February 24, 1987

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

REMITTANCE FORM

IN THE MATTER OF:)
EVERETT ALLEN,)
d/b/a Allen Waste Management,) IEPA DOCKET NO. 8222-AC
Respondent.)

FACILITY: DuQuoin/Perry County Landfill SITE CODE NO: 1458330001

COUNTY: Perry CIVIL PENALTY: \$500.00

DATE OF INSPECTION: December 23, 1986

DATE REMITTED: _____

SIGNATURE: _____

NOTE

Please enter the date of your remittance and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to Illinois Environmental Protection Agency, Attention: Fiscal Services, 2200 Churchill Road, P. O. Box 19276, Springfield, Illinois 62794-9276.

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON)

PROOF OF SERVICE

I, the undersigned, on oath state that I have served the attached
Amended Administrative Citation upon the person to
whom it is directed, by placing a copy in an envelope addressed to:

Everett Allen
d/b/a Allen Waste Management
R. R. 2, Box 320
Carterville, Illinois 62918

and mailing it from Springfield, Illinois, on February 24,
19 87, with sufficient postage affixed, certified mail, return receipt
requested.

Ramona Copley

SUBSCRIBED AND SWORN TO BEFORE ME

this 24th day of February, 19 87.

Barbara K. Mc Gee
Notary Public