

ILLINOIS POLLUTION CONTROL BOARD
November 5, 2015

COUNTY OF PERRY,)
)
Complainant,)
)
v.) AC 16-4
) (Administrative Citation)
GERE PROPERTIES, INC., PERRY RIDGE)
LANDFILL, INC., JOE BARTLE AND)
KEVIN COUGHLIN,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

On October 5, 2015, County of Perry (County) timely filed and administrative citation against Gere Properties, Inc., Perry Ridge Landfill, Inc., Joe Bartle (collectively respondents) and Kevin Coughlin (Coughlin). *See* 415 ILCS 5/31.1(c) (2014); 35 Ill. Adm. Code 101.300(b), 108.202(c). The administrative citation concerns a facility located at 6305 Sacred Heart Road, DuQuoin, Perry County. The property is commonly known to the Agency as the “Perry Ridge Landfill” site and is designated with Site Code No. 1450105039. The County alleged that on September 15, 2015, respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5) and (12) (2014)) by conducting a sanitary landfill in a manner resulting in 1) uncovered refuse remaining from the previous operating day and 2) failure to collect and contain litter at the end of the operating day.

On October 16, 2015, the County filed two motions for voluntary dismissal of the administrative citation. In the first motion, the County seeks to dismiss Kevin Coughlin as he has been removed an operator of the site. In the second motion, the County states that Perry Ridge Landfill has paid fines in settlement of this case. The Board grants the County’s motions, dismisses the case, and closes the docket.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)
)
 Complainant,)
)
 vs.)
)
 GERE PROPERTIES, INC., PERRY RIDGE)
 LANDFILL, INC., JOE BARTLE AND KEVIN)
 COUGHLIN,)
)
 Respondents.)

AC 16 - 4

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CLERK'S OFFICE
OCT - 5 2015
STATE OF ILLINOIS
Pollution Control Board

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the Illinois Environmental Protection Agency by Section 31.1 of the Illinois Environmental Protection Act, 415 ILCS 5/31.1 (2010).

FACTS

1. That Gere Properties, Inc. is the permitted owner, Perry Ridge Landfill, Inc. is the permitted operator and Joe Bartle and Kevin Coughlin are the certified operators in responsible charge (collectively "Respondents") of a facility located at 6305 Sacred Heart Road, DuQuoin, Perry county, Illinois.
2. That said facility is a sanitary landfill, operating under Illinois Environmental Protection Agency Permit No. 2000-064-LF, and is designated with Site Code No. 1450105039. The facility is commonly known to the Illinois Environmental Protection Agency as Perry Ridge Landfill, Inc.
3. The Respondents have owned/operated said facility at all times pertinent hereto.
4. That on September 15, 2015, Rebecca Tracy, Field Inspector, Perry County Solid Waste Department, inspected the above-referenced facility. A copy of her inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

5. That on October _____, 2015, the County of Perry sent this Administrative Citation package via Certified Mail No.:

GERE Properties, Attention Patrick Mazza, 290 South Main Place, Carol Stream, IL 60188
No. 7011 3500 0002 5770 4004

Perry Ridge Landfill, Inc., Attention Stephanie Chodera, 290 South Main Place, Carol Stream, IL 60188
No. 7011 3500 0002 5770 3991

Kevin Coughlin, Perry Ridge Landfill, Inc., 290 South Main Place, Carol Stream, IL 60188
No. 7011 3500 0002 5770 3984

Joe Bartle, Perry Ridge Landfill, Inc., 6305 Sacred Heart Road, DuQuoin, IL 62832
No. 7013 0600 0000 0528 5997

VIOLATIONS

Based upon direct observations made by Sheila Williams during the course of her September 15, 2015 inspection of the above-referenced facility, the Illinois Environmental Protection Agency has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

(1) That Respondents conducted a sanitary landfill in a manner which resulted in uncovered refuse remaining from the previous operating day or at the conclusion of any operating day, a violation of Section 21(o)(5) of the Act, 415 ILCS 5/21 (o)(5) (2010).

(2) That Respondents conducted a sanitary landfill in a manner which resulted in a failure to collect and contain litter by the end of each operating day, a violation of Section 21(o)(12) of the Act, 415 ILCS 5/21(o)(12) (2010).

CIVIL PENALTY

Pursuant to Section 42(b)(4) of the Act, 415 ILCS 5/42(b)(4) (2010), Respondents are subject to a civil penalty of Five Hundred Dollars (\$500.00) for violation of Section 21(o)(5) and Section 21(o)(12), for a total of One Thousand Dollars (\$1,000.00). If Respondent elects not to petition the Illinois Pollution

Control Board, the statutory civil penalty specified above shall be due and payable no later than December 1, 2015, unless otherwise provided by order of the Illinois Pollution control Board.

If Respondents elect to contest this Administrative Citation by petitioning the Illinois Pollution Control Board in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010), and if the Illinois Pollution Control Board issues a finding of violation(s) as alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the Illinois Environmental Protection Agency and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the statutory civil penalty.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2010), if Respondents fail to petition or elect not to petition the Illinois Pollution Control Board for review of this Administrative Citation within thirty-five (35) days of the date of service, the Illinois Pollution Control Board shall adopt a final order, which shall include this Administrative Citation and a finding of violation(s) as alleged herein, and shall impose the statutory civil penalty specified above.

When payment is made, checks shall be made payable in equal amounts (50% of total penalty each) to:

(1) Perry County Solid Waste, c/o Perry County Treasurer, Perry County Government Building, 3764 State Route 13/127, Pinckneyville, Illinois 62274; and,

(2) Illinois Environmental Protection Trust Fund and mailed to the attention of Fiscal Services, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, PO Box 19276, Springfield, Illinois 62794-9276.

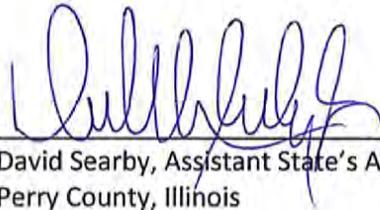
Respondent shall complete and return the enclosed Remittance Forms with payments to ensure proper documentation of payment.

If any civil penalty and/or hearing costs are not paid within the time prescribed by order of the Illinois Pollution Control Board, interest on said penalty and/or hearing costs shall be assessed against

the Respondent from the date payment is due up to and including the date that payment is received. The Complainant may initiate proceedings against Respondent in Circuit Court or other debt collection actions to collect said penalty and/or hearing costs, plus any interest accrued.

PROCEDURE FOR CONTESTING THIS ADMINISTRATIVE CITATION

Respondents have the right to contest this Administrative Citation pursuant to and in accordance with Section 31.1 of the Act, 415 ILCS 5/31.1 (2010). If Respondents elect to contest this Administrative Citation, then Respondent shall file a signed Petition for Review, including a Notice of Filing, Certificate of Service and Notice of Appearance, with the Clerk of the Illinois Pollution Control Board, State of Illinois Center, 100 West Randolph Street, Suite 11-500, Chicago, Illinois 60601. A copy of the Petition for Review shall also be filed with David Searby, Assistant State's Attorney, Perry County Courthouse, Pinckneyville, Illinois 62274. Section 31.1 of the Act provides that any Petition for Review shall be filed within thirty-five (35) days of the date of service of this Administrative Citation for the Illinois Pollution Control Board shall enter a default judgment against the Respondents.



David Searby, Assistant State's Attorney
Perry County, Illinois

Perry County State's Attorney's Office
Perry County Courthouse
1 Public Square
Pinckneyville, IL 62274
(618) 357-6221

DATED: October 2, 2015.

REMITTANCE FORM TO THE COUNTY OF PERRY

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

COUNTY OF PERRY)
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 Complainant,)
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 vs.)
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 COUGHLIN,)
)
 Respondents.)

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OCT - 5 2015
STATE OF ILLINOIS
Pollution Control Board

FACILITY: Perry Ridge Landfill

COUNTY: Perry

DATE OF INSPECTION: September 15, 2015

SITE CODE: 1450105039

CIVIL PENALTY: \$500.00

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Perry County Solid Waste
c/o Perry County Treasurer
Perry County Government Building
3764 State Route 13/127
Pinckneyville, IL 62274

REMITTANCE FORM TO THE ILLINOIS EPA

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS
Pollution Control Board

FACILITY: Perry Ridge Landfill

COUNTY: Perry

DATE OF INSPECTION: September 15, 2015

SITE CODE: 1450105039

CIVIL PENALTY: \$500.00

DATE REMITTED: _____

SS/FEIN NUMBER: _____

SIGNATURE: _____

NOTE

Please include the information on the blank lines. Mail this form with your check to:

Illinois Environmental Protection Agency
Attention: Fiscal Services
PO Box 19276
Springfield, IL 62794-9276