

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

COUNTY OF DUPAGE,)	
)	
Complainant,)	
)	
v.)	AC 94-86
)	(County No. 94CD830)
)	(Administrative Citation)
HERMAN "PETE" PETERSDORF,)	
)	
Respondent.)	

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

This matter comes before the Board upon the October 3, 1994 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by DuPage County. A copy of that Administrative Citation is attached hereto, but will not be printed in the Board's opinion volumes. Service of the Administrative Citation was made upon Herman "Pete" Petersdorf on September 9, 1994. The County alleges that on September 2, 1994, Herman "Pete" Petersdorf, present owner and/or operator of a facility located in DuPage County and commonly known to the County as Petersdorf Pete, violated Section 21(p)(1) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

Herman "Pete" Petersdorf has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Herman "Pete" Petersdorf, has violated the provisions alleged in the Administrative Citation as amended by the September 9, 1994 stipulation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

1. It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this order Herman "Pete" Petersdorf shall, by certified check or money order payable to the DuPage County Treasurer, pay a penalty in the amount of \$500.00, which is to be sent to:

Rodd Elges
DuPage County Solid Waste Department
421 N. County Farm Road
Wheaton, Illinois 60187

2. Respondent shall include the remittance form and write the case name and number and his social security or federal Employer Identification Number on the certified check or money

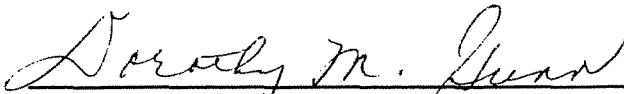
order.

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 the violation continues.

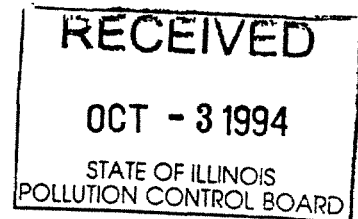
IT IS SO ORDERED.

Section 41 of the Environmental Protection Act, (415 ILCS 5/41 (1992)), provides for appeal of final orders of the Board within 35 days. 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 1st day of December, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
ADMINISTRATIVE CITATION



COUNTY OF DUPAGE,

PETITIONER

V.

HERMAN "PETE" PETERSDORF,

RESPONDENT.

AC 94-86,
State's Attorney
File Nos. 94CD830
94SA830

JURISDICTION

This Administrative Citation is issued pursuant to authority vested in the Illinois Environmental Protection Agency by Public Act 84-1320 (Illinois Compiled Statutes, 1992, Ch. 415, par. 5/31.1), and delegated to DuPage County pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/4.

FACTS

1. Respondent, Herman "Pete" Petersdorf, is the present owner of the property located at 2 N 581 Mildred, Bloomingdale Township, in the County of DuPage, State of Illinois.
2. Said property is a residential site upon which a significant amount of fuel oil was spilled in the process of removing a fuel oil tank from the premises. The site is designated with Site Code No. 0438010007. Said facility is commonly known to the Agency and DuPage County as Petersdorf, Pete.
3. Respondent has owned said property at all times pertinent hereto.
4. Inspector Rodd Elges, of the County of DuPage conducted an inspection of the subject premises on April 22, 1994 at which time he observed an oil spill on the subject premises. Respondent was issued an administrative warning notice on May 2, 1994 for causing or allowing the oil spill on the subject premises, (attached hereto as Exhibit "A" and made a part hereof). The Respondent submitted a response to the County of DuPage on June 14, 1994, (attached hereto as Exhibit "B" and made a part hereof). To allow for completion of the work indicated by the Respondent in the June 14, 1994 response, the County of DuPage extended the completion deadline for corrective action to July 29, 1994, set forth in correspondence by from the DuPage County State's Attorneys Office dated July 6, 1994, (attached as Exhibit "C" and made a part hereof).

This filing submitted on recycled paper.

5. Inspector Rodd Elges, performed six inspections subsequent to the issuance of the administrative warning notice on May 2, 1994 and prior to the inspection dated September 2, 1994, during which inspections he noted continued violations, as indicated in the attached inspection reports identified as Exhibits "D1", "D2", "D3", "D4", "D5", "D6", attached hereto and made a part hereof. Inspector Elges prepared a summary of said inspections on September 19, 1994, attached hereto as Exhibit "E" and made a part hereof.
5. Inspector Elges conducted an inspection of said premises on September 2, 1994 at which time he observed continued violations as indicated below. A verified copy of the inspection report setting forth the results of said inspection is attached hereto as Exhibit "F" and made a part hereof.

VIOLATIONS

On the basis of direct observations of Rodd Elges, the County of DuPage has determined that Respondent was conducting a solid waste management site at the above-described facility, which is required to have a permit pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21 (d), in a manner which resulted in the following conditions:

- A. That on September 2, 1994 an on-site inspection of said premises disclosed the following:

- X Causing or allowing litter in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(1).
- Causing or allowing scavenging operations in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(2).
- Causing or allowing open burning in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(3).
- Causing or allowing the deposition of waste in standing or flowing waters in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(4).
- Causing or allowing proliferation of disease vectors in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(5).
- Causing or allowing the generation of standing or flowing liquid discharge from the open dump site in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(p)(6).

- _____ Causing or allowing the operation of an open dump so as to cause or threaten or allow the emissions of contaminants so as to cause or tend to cause air pollution in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/9(a) and (c).
- X Causing or allowing the operation of an open dump so as to cause or threaten or allow the discharge of any contaminants so as to cause water pollution in Illinois in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/12(a) and (d).
- _____ Acceptance of special waste for disposal, storage or treatment from a waste hauler that does not have a valid waste hauling permit in violation Section 809.302(a) of the State of Illinois Solid Waste Regulations, 35 Ill. Adm. Code, Subtitle G.
- _____ Acceptance of special waste for disposal, storage or treatment from a waste hauler that did not present a signed manifest which designated the receiver's facility as a destination for the special waste in violation of Section 809.302(a) of the State of Illinois Solid Waste Regulations, 35 Ill. Adm. Code, Subtitle G.
- X Causing or allowing the development and/or operation of a solid waste management site without a permit issued by the Illinois Environmental Protection Agency in violation of Sections 807.201 and 807.202 of the State of Illinois Solid Waste Regulations, 35 Ill. Adm. Code, Subtitle G.
- X Causing or allowing the open dumping of any waste in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(a).
- X Conducting any waste-storage, waste-treatment, or waste-disposal operation without a permit granted by the Agency in violation of Illinois Compiled Statutes, 1992, Ch. 415, par. 5/21(d).
- _____ Apparent violation of : PCB (); Circuit Court () Case Number _____, Order entered on _____, 19__.

CIVIL PENALTY

Pursuant to Illinois Compiled Statutes, 1992, Ch. 415, par. 5/42(b)(4), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for causing or allowing litter, for a total of Five Hundred Dollars, (\$500.00).

Additionally, should Respondent elect to petition the Illinois Pollution Control Board under the review process described herein below, and if there is a finding of the violation alleged herein, after an adjudicatory hearing, Respondent shall be assessed the associated hearing costs incurred by the DuPage County State's Attorney 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 November 7, 1994. 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 DuPage County Treasurer, and mailed to the attention of Rodd Elges, DuPage County Solid Waste Department, located at 421 N. County Farm Road, Wheaton, Illinois 60187. Also, please complete and return the enclosed Remittance Form, along with your payment, to assure proper documentation of payment.

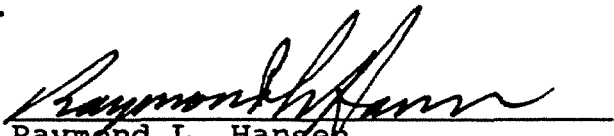
If any civil penalty, by reason of acknowledgment, default or finding after adjudicatory hearing, is not paid when due, the Illinois Environmental Protection Agency shall take into consideration such failure to pay during any permit review process upon your application for a new permit or for renewal of an existing permit. If any civil penalty imposed by the Illinois Pollution Control Board is not paid within the time prescribed in the order, interest on such penalty will be assessed for the period from the date payment is due until the date payment is received.

Furthermore, if payment is not received when due, the DuPage County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously assessed civil penalty, interest, and hearing costs of the Illinois Pollution Control Board, if any, the State's Attorney 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 (Illinois Compiled Statutes, 1992, Ch. 415, par. 5/31). 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 DuPage County State's Attorney, Attention: Raymond L. Hansen.

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 DuPage County State's Attorney at 505 N. County Farm Road, Wheaton, Illinois 60187, Attention: Raymond L. Hansen.


Raymond L. Hansen
Assistant State's Attorney
For: James E. Ryan
DuPage County State's Attorney

Date: September 29, 1994, 1994

REMITTANCE FORM

COUNTY OF DUPAGE,

PETITIONER

V.

HERMAN "PETE" PETERSDORF,

RESPONDENT.

AC No. 97-86
State's Attorney
File Nos. 94CD830
94SA830

FACILITY: PETERSDORF, PETE
2 N 581 MILDRED
BLOOMINGDALE TOWNSHIP

SITE CODE NO.: 0438010007

COUNTY: DUPAGE

CIVIL PENALTY: \$500.00

DATE OF INSPECTION: SEPTEMBER 2, 1994

DATE REMITTED:

SS/FEIN NUMBER:

SIGNATURE: _____

NOTE

Please enter the date of your remittance, your Social Security number (SS) if an individual, or Federal Employer Identification Number (FEIN) if a corporation, and sign this Remittance Form. Be sure your check is enclosed and mail, along with Remittance Form, to DuPage County Solid Waste Department, 421 N. County Farm Road, Wheaton, Illinois 60187. Make the check payable to the DuPage County Treasurer.