

ILLINOIS POLLUTION CONTROL BOARD  
November 29, 1988

IN THE MATTER OF: )  
 )  
STEVE ZIMMERMAN and WASTE ) AC 88-88  
LIMITED, INC., ) (Case No. 88-EH 19)  
 )  
Respondents. )

ORDER OF THE BOARD:

This matter comes before the Board upon an October 7, 1988 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of Tazewell. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Steve Zimmerman and Waste Limited on October 17, 1988. The County of Tazewell alleges that Steve Zimmerman and Waste Limited has violated Section 21(p)(7) of the Act. The statutory penalty established for this violation is \$500.00 pursuant to Section 42(b)(4) of the Act.

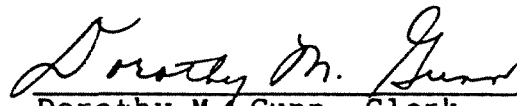
Steve Zimmerman and Waste Limited has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Steve Zimmerman and Waste Limited has violated the provision alleged in the 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 Steve Zimmerman and Waste Limited shall, by certified check or money order payable to the Tazewell County Health Department, pay a penalty in the amount of \$500.00 which is to be sent to:

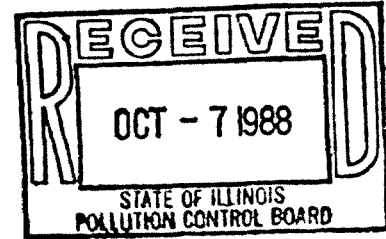
Gordon Poquette  
Tazewell County Health Department  
R.R. #1  
Tremont, Illinois 61568

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 29<sup>th</sup> day of November, 1988, by a vote of 7-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

STATE OF ILLINOIS  
COUNTY OF TAZEWELL



ADMINISTRATIVE CITATION

In The Matter Of: )  
Steve Zimmerman and ) State's Attorney's File No. 88-EH-19  
Waste Limited, Inc. )  
Respondents. ) PCB Docket No. AC 88-88

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.), and delegated to Tazewell County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, para. 1004(r), or otherwise as provided by law.

FACTS

1. That Respondents, Steve Zimmerman and Waste Ltd, Inc., are the present operators of a facility located in the County of Tazewell, State of Illinois.

2. That said facility is operated as a sanitary landfill, allegedly operating under Illinois Environmental Protection Agency Operating Permit No. 70-45, and designated with site Code No. 1798050001. Said facility is commonly known to the Agency as Pekin Metro Landfill

3. That Respondents have operated said facility at all times pertinent hereto.

4. That on September 7, 1988, between 5:30 and 7:00 a.m., Mark Kimbrell, of the County of Tazewell, 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 Pekin Metro Landfill, the County of Tazewell has determined that Respondent was conducting 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, para. 1021(d), in a manner which resulted in the following conditions:

16) Acceptance of wastes without necessary permits. Section 21(p)(7) of the Act.

## CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, para. 1042 (b)(4)), Respondent herein is subject to a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraph One (1), for a total of \$500.00. 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 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 35 days from date of service. 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 Tazewell County Health Department and mailed to Gordon Poquette at the Tazewell County Health Department, RR #1, Tremont, Illinois 61568.

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 payment is not received when due, the Tazewell County State's Attorney may initiate proceedings in Circuit Court to collect said civil penalty. In addition to the previously

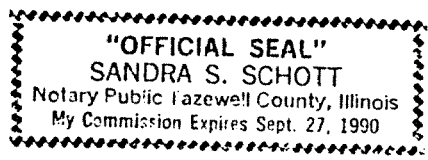
assessed civil penalty and hearing costs of the Illinois Pollution Board, if any; the State's Attorney will seek to recover their costs of litigation.

*Stewart J. Umholtz*  
Stewart J. Umholtz, Assistant State's Attorney

*Mark W. Kimball*  
Environmental Health Specialist

Subscribed and Sworn to before me this  
6<sup>th</sup> day of October, 1988.

*Sandra S. Schott*  
Notary Public



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, para. 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 Tazewell County State's Attorney, attention Stewart J. Umholtz at the Tazewell County Courthouse, Pekin, Illinois 61554. 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 State's Attorney at the Tazewell County Courthouse, Pekin, Illinois.

Date:

Waste Ltd., Inc.

BY: \_\_\_\_\_

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS

COUNTY OF TAZEWELL

ADMINISTRATIVE CITATION

In the Matter of:	)	
Steve Zimmerman and	)	
Waste Ltd, Inc.	)	S. A. File No. 88-EH-19
	)	
Respondent.	)	PCB Docket No. AC 88- <u>88</u>

AFFIDAVIT

Mark Kimbrell, being first duly sworn, voluntarily deposes and states as follows:

1. I am a field inspector employed by the County of Tazewell and has been so employed at al times pertinent hereto.

2. On September 7, 1988, I conducted an inspection of the sanitary landfill in Tazewell County, Illinois, known as Pekin Metro Landfill, Illinois Environmental Protection Agency Site No. 1798050001, allegedly operating under IEPA Permit NO. 70-45.

3. I inspected the Pekin Metro Landfill site by an on-site inspection which included walking the site and interviewing personnel.

4. Before and after such inspection of the landfill site, I reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated into whether or not required documents were timely filed on behalf of the subject site.

5. As a result of the activities referred to in Paragraphs 3 and 4 above, I completed the Inspection Report Form attached hereto and made a part hereof, which, the best of my knowledge and belief, is an accurate representation of my observations and factual conclusions with respect to Pekin Metro Landfill.

Mark W. Kimbrell  
 Environmental Health Specialist

Subscribed and Sworn to before me this  
6<sup>th</sup> day of October, 1988.

Sandra S. Schott  
 Notary Public

