

ILLINOIS POLLUTION CONTROL BOARD  
February 4, 1988

IN THE MATTER OF: )  
 )  
E & E HAULING, INC. ) AC 87-128  
 ) (87 C D 300)  
Respondent. )

ORDER OF THE BOARD:

This matter comes before the Board upon a December 23, 1987 filing of an Administrative Citation pursuant to Section 31.1 of the Illinois Environmental Protection Act (Act) by the County of DuPage. A copy of that Administrative Citation is attached hereto. Service of the Administrative Citation was made upon E & E Hauling on December 22, 1987. DuPage County alleges that E & E Hauling 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.

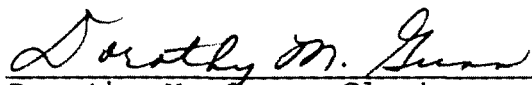
E & E Hauling has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that E & E Hauling has violated the provision alleged in the Administrative Citation. Since there is one (1) such violation, the total penalty to be imposed is set at \$500.00.

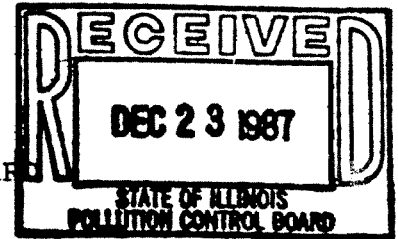
It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order E & E Hauling shall, by certified check or money order payable to the County of DuPage, pay a penalty in the amount of \$500.00 which is to be sent to:

Steven K. Dunn  
Environmental Control Manager  
DuPage County Department of Public Works  
421 North County Farm Road  
Wheaton, Illinois 60187

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 4th day of February, 1988 by a vote of 6-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board



BEFORE THE  
ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS )  
 )  
 PETITIONER, )  
 )  
 v. )  
 )  
 E & E HAULING, INC., )  
 )  
 RESPONDENT. )

87 C D 300

AC Docket No. 87-128

NOTICE OF FILING

To: E & E Hauling, Inc.  
26 W. 580 Shick Road  
Hanover Park, Illinois 60103

Dorothy M. Gunn, Clerk  
Illinois Pollution  
Control Board  
100 W. Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Illinois Environmental  
Protection Agency  
Fiscal Services  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois  
62794-9276  
(Mary Jo Heise,  
217/782-3250)

Illinois Environmental  
Protection Agency  
Manager  
Field Operations Section  
Division of Land Pollution  
Control  
1701 S. First Avenue  
Maywood, Illinois 60153

Illinois Environmental  
Protection Agency  
Enforcement Docket  
Control

2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois  
62794-9276  
(Linda Cooper,  
217/785-8624)

William Seltzer  
Enforcement Division  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois  
62794-9276

Illinois Environmental  
Protection Agency  
Regional Manager  
Field Operations  
Section  
Division of Land  
Pollution Control  
1701 S. First Avenue  
Maywood, Illinois  
60153

PLEASE TAKE NOTICE that on December 21, 1987 the County  
of DuPage, acting pursuant to authority granted by  
Ill.Rev.Stats., 1986 Supp., ch. 111 1/2 par. 1031.1 and par.

1004(r) issued an administrative citation for violations of the provisions of Ill.Rev.Stat. (1985) ch. 111 1/2, par. 1021(p) at the Mallard Lake Landfill, operated by E & E Hauling, Inc.

A copy of the administrative citation was mailed to the Respondent on December 21, 1987 and is herewith filed with the Pollution Control Board.

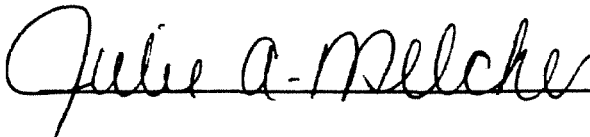
COUNTY OF DUPAGE

BY:   
GRETTA A. TAMELING  
Assistant State's Attorney

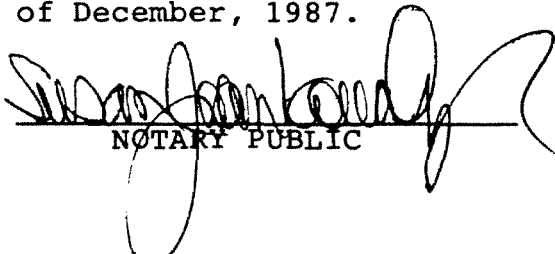
JAMES E. RYAN  
State's Attorney  
207 S. Reber Street  
Wheaton, Illinois 60187  
(312) 682-7056  
Attorney No. 50000

CERTIFICATE OF SERVICE

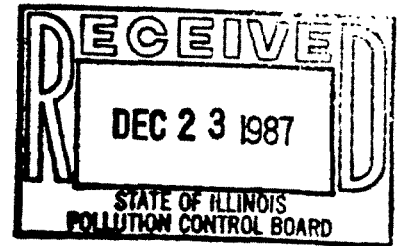
The undersigned, being first duly sworn upon oath deposes and says that a copy of the aforementioned was served upon the above parties by depositing same in the United States Mail at Wheaton, IL, at approximately 5:00 P.M., with the correct postage prepaid, on the 21st day of December, 1987.



SUBSCRIBED and SWORN to  
before me this 21st day  
of December, 1987.

  
NOTARY PUBLIC

STATE OF ILLINOIS  
COUNTY OF DUPAGE



|                                 |   |                             |
|---------------------------------|---|-----------------------------|
| People of the State of Illinois | ) |                             |
|                                 | ) |                             |
| Petitioner,                     | ) |                             |
|                                 | ) |                             |
| v.                              | ) | 87 C D 300                  |
|                                 | ) |                             |
| E & E Hauling, Inc.,            | ) | AC Docket No. <u>87-128</u> |
|                                 | ) |                             |
| Respondent.                     | ) |                             |
| <hr/>                           |   |                             |

AFFIDAVIT

Affiant, Steven K. Dunn, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the County of DuPage and has been so employed at all times pertinent hereto.

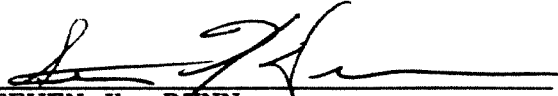
2. On November 24, 1987, between 1:07 p.m. and 1:54 p.m., Affiant conducted an inspection of the sanitary landfill in DuPage County, Illinois, known as the Mallard Lake Landfill, Illinois Environmental Protection Agency Site No. 0438010004, operating under IEPA Operating Permits Nos. 1982-17-OP; 1982-052-SP; and 1987-095-EX.

3. Affiant inspected said Mallard Lake Landfill site by an on-site inspection which included walking the site and interviewing personnel.

4. Before and after said inspection of said landfill site, Affiant reviewed Illinois Environmental Protection Agency permits issued to the subject site and investigated

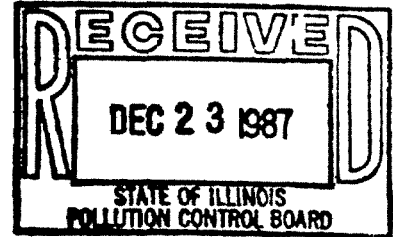
whether or not required documents were timely filed on behalf of the subject site.

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

  
STEVEN K. DUNN,  
Environmental Control Manager  
For DuPage County

Date: 12/21/87

STATE OF ILLINOIS  
COUNTY OF DUPAGE



ADMINISTRATIVE CITATION

|                                   |   |                             |
|-----------------------------------|---|-----------------------------|
| People of the State of Illinois ) | ) |                             |
|                                   | ) |                             |
| Petitioner, )                     | ) | 87 C D 300                  |
|                                   | ) |                             |
| v. )                              | ) |                             |
|                                   | ) |                             |
| E & E Hauling, Inc., )            | ) | AC Docket No. <u>87-128</u> |
|                                   | ) |                             |
| 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.), and delegated to DuPage County pursuant to Ill. Rev. Stat. 1986, Supp., ch. 111 1/2, par. 1004(r).

FACTS

1. That Respondent, E & E Hauling, Inc., is the present operator of a facility located in the County of DuPage, State of Illinois.

2. That said facility is operated as a sanitary landfill, operating under Illinois Environmental Protection Agency Operating Permits Nos. 1982-17-OP; 1982-052-SP; and 1987-095-EX and designated with Site Code No. 0438010004. Said facility is commonly known to the Agency as Mallard Lake Landfill.

3. That Respondent has operated said facility at all times pertinent hereto.

4. That on November 24, 1987, Steven K. Dunn, of the County of DuPage, 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 Steven K. Dunn, the County of DuPage 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, par. 1021(d), in a manner which resulted in the following condition:

(1) The existence of uncovered refuse remaining from any previous operating day or at the conclusion of any operating day in violation of Ill.Rev.Stat.(1985), 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 the violation specified above in Paragraph (1) for a total of five hundred and zero/00 (\$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 violation 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 violation cited hereinabove, the civil penalty specified above shall be due and payable no later than February 1, 1988. 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 County of DuPage and mailed to The DuPage County Department of Public Works, Attention: Steven K. Dunn, Environmental Control Manager, 421 North County Farm Road, Wheaton, Illinois 60187.

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 DuPage 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 Control Board, if any, the State's Attorney's office will seek to recover its 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 DuPage County State's Attorney, attention: Gretta Tameling, at 207 South Reber Street, Wheaton, Illinois 60187. 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 207 South Reber Street, Wheaton, Illinois 60187.

  
GRETTA A. TAVELING,  
Assistant State's Attorney

Date: 12/21/87