

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1987

IN THE MATTER OF:)
)
ENERMET INDUSTRIES and) AC 87-83
BETTY KALB) (IEPA Docket No. 8533-AC)
)
Respondents.)

ORDER OF THE BOARD:

This matter comes before the Board upon an August 14, 1987 filing of an 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 Administrative Citation is attached hereto. Service of the Administrative Citation was made upon Enermet Industries on August 13, 1987. The Agency alleges that Enermet Industries has violated Sections 21(p)(7) and 21(p)(9) of the Act. The statutory penalty established for each of these violations is \$500.00 pursuant to Section 42(b)(4) of the Act.

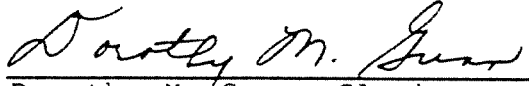
Enermet Industries has not filed a Petition for Review with the Clerk of the Board within 35 days of the date of service as allowed by Section 31.1(d)(2) of the Act. Therefore, pursuant to Section 31.1(d)(1), the Board finds that Enermet Industries has violated each and every provision alleged in the Administrative Citation. Since there are two (2) such violations, the total penalty to be imposed is set at \$1,000.00.

It is hereby ordered that, unless the penalty has already been paid, within 30 days of the date of this Order Enermet Industries 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 \$1,000.00 which is to be sent to:

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

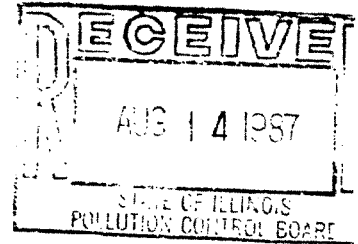
IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 1st day of October, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
ADMINISTRATIVE CITATION



IN THE MATTER OF:

ENERMET INDUSTRIES, a Delaware Corporation, licensed to do business in Illinois; and
BETTY KALB

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DC 87-83
IEPA DOCKET NO. 8533-AC

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. 111½, par. 1031.1).

FACTS

1. That Respondent, ENERMET INDUSTRIES, is, and at all times pertinent hereto has been, the owner of certain real estate located in the County of Peoria, State of Illinois and identified by the Illinois Environmental Protection Agency as Site Code Number 1430650049.

2. That on information and belief, the Illinois Environmental Protection Agency alleges that Respondent, ENERMET INDUSTRIES, has leased said real estate to others doing business under the name of A.A. Auto Parts.

3. That Respondent, BETTY KALB, operated said A.A. Auto Parts facility at the time of inception of the violations alleged hereinbelow.

4. That said real estate and facility has been used and operated as an unpermitted landfill.

5. That on June 17, 1987, John G. Tripses, 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 John G. Tripses, the Illinois Environmental Protection Agency has determined that Respondents were conducting an unpermitted landfill operation at the above-described premises, which is otherwise required to have a permit pursuant to Ill. Rev. Stat. 1985, ch. 111½, par. 1021(d), in a manner which resulted in the following conditions:

1. Inspection of said premises on June 17, 1987, disclosed the prior acceptance of wastes without necessary permits, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(7).

2. Inspection of said premises on June 17, 1987, disclosed the previous deposition of refuse upon an unpermitted site, in violation of Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1021(p)(9).

CIVIL PENALTY

Pursuant to Public Act 84-1320 (Ill. Rev. Stat. 1986 Supp., ch. 111½, par. 1042(b)(4), Respondents herein are jointly and severally liable for a civil penalty of Five Hundred Dollars (\$500.00) for each violation specified above in Paragraphs A and B, for a total of One Thousand (\$1,000.00) 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 September 21, 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, be reason of acknowledgment, default or finding after adjudicatory hearing, is not paid 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. 111½, 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.


Richard J. Carlson, Director
Illinois Environmental Protection Agency

Date: August 11, 1987