

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD NOV 23 2004

ADMINISTRATIVE CITATION

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF MACON, ILLINOIS )

Complainant, )

v. )

Blue Mound Plumbing, )  
Attn: Pete Bourisaw )

Respondents. )

AC 05-41  
(MCSWMD File No. 2004-003-AC)

JURISDICTION

This Administrative Citation is issued pursuant to the authority vested in the County of Macon by section 4(r) of the Illinois Environmental Protection Act, 415 ILCS 5/4(r) (2002).

FACTS

1. That Respondent, Pete Bourisaw is the present owner and operator of a facility located at 401 Railroad Avenue, Blue Mound, Illinois 62513, Macon County, Illinois.
2. That said facility is an open dump operating without an Illinois Environmental Protection Agency Operating Permit and is designated with Site Code No. 1150105018.
3. That Respondent has owned and operated said facility at all times pertinent hereto.
4. That on September 29, 2004, Michael Warnick of the Macon County Solid Waste Management Department inspected the above-described facility. A copy of his inspection report setting forth the results of said inspection is attached hereto and made a part hereof.

VIOLATIONS

Based upon direct observations made by Michael Warnick during the course of his September 29, 2004 inspection of the above-named facility, the Macon County Solid Waste Management Department has determined that Respondents violated the Illinois Environmental Protection Act (hereinafter, the "Act") as follows:

- (1) That Respondents caused or allowed the open dumping of waste in a manner resulting in Litter, a violation of Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2002).
  
- (2) That Respondents caused or allowed the open dumping of waste in a manner resulting in Deposition of General Construction or Demolition Debris, a violation of Section 21(p)(7) of the Act, 415 ILCS 5/21(p)(7) (2002).

#### CIVIL PENALTY

Pursuant to Section 42(b)(4-5) of the Act, 415 ILCS 5/42(b)(4-5) (2002), Respondents are subject to a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) for each of the violations identified above, for a total of Three Thousand Dollars (\$3,000.00). If Respondents elect not to petition the Illinois Pollution Control Board, the statutory civil penalty specified above shall be due and payable no later than February 01, 2005, 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 (2002), and if the Illinois Pollution Control Board issues a finding of violation as alleged herein, after an adjudicatory hearing, Respondents shall be assessed the associated hearing costs incurred by the Macon County Solid Waste Management Department and the Illinois Pollution Control Board. Those hearing costs shall be assessed in addition to the One Thousand Five Hundred Dollar (\$1,500.00) statutory civil penalty for each violation.

Pursuant to Section 31.1(d)(1) of the Act, 415 ILCS 5/31.1(d)(1) (2002), 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 findings of violation as alleged herein, and shall impose the statutory civil penalty specified above.

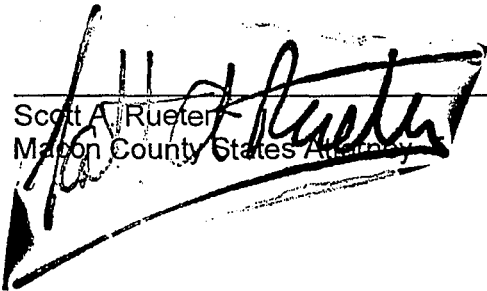
When payment is made, Respondents' check shall be made payable to the Macon County Solid Waste Management Department and should be mailed to the attention of Sherri L. Ludlam, Macon County Solid Waste Management Department; 141 South Main Street, Room 212, Decatur, Illinois, 62523-1293. Along with payment, Respondents shall complete and return the enclosed Remittance Form 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 Respondents from the date payment is due up to and including the date that payment is received. The Office of the Macon County State's Attorney may initiate proceedings against Respondents in Circuit Court 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 (2002). If Respondents elect to contest this Administrative Citation, then Respondents 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, Suite 11-500, Chicago, Illinois 60601. A copy of said Petition for Review shall be filed with the Office of the Macon County State's Attorney, 253 E. Wood Street, Decatur, Illinois, 62523. 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 or the Illinois Pollution Control Board shall enter a default judgment against the Respondents.

Scott A. Rueter  
Macon County State's Attorney



Date: 11-18-04

Prepared by:

Michael J. Warnick, Environmental Inspector  
Macon County Solid Waste Management Department  
141 South Main Street, Room 212  
Decatur, Illinois 62523-1293  
217-421-0291

REMITTANCE FORM

**RECEIVED**  
CLERK'S OFFICE

NOV 23 2004

STATE OF ILLINOIS  
Pollution Control Board

COUNTY OF MACON )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 Blue Mound Plumbing, )  
 Attn: Pete Bourisaw )  
 )  
 Respondents. )

AC 05-41  
(MCSWMD file No. 2004-003-AC)

FACILITY: Blue Mound/Blue Mound Plumbing

SITE CODE NO.: 1150105018

COUNTY: Macon

CIVIL PENALTY: \$3,000.00

DATE OF INSPECTION: September 29, 2004

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 Sherri L. Ludlam, Macon County Solid Waste Management Department, 141 South Main Street, Room 212, Decatur, Illinois 62523-1293.

MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

AFFIDAVIT

IN THE MATTER OF: )  
 )  
 Blue Mound Plumbing, ) (MCSWMD File No. 2004-003-AC)  
 Attn: Pete Bourisaw )  
 )  
 )  
 )  
 Respondents )

Affiant, Michael Warnick, being first duly sworn, voluntarily deposes and states as follows:

1. Affiant is a field inspector employed by the Macon County Solid Waste Management Department and has been so employed at all times pertinent hereto.
2. On September 29, 2004 between 8:21 am and 8:27 am, Affiant conducted an inspection of the site in Macon County, Illinois, known as Blue Mound/Blue Mound Plumbing, Illinois Environmental Protection Agency Site No. 1150105018.
3. Affiant inspected said Blue Mound Plumbing by an on-site inspection which included photographing the site.
4. As a result of the activities referred to in Paragraph 3 above, Affiant completed the Inspection Report form attached hereto and made a part hereof, which, to the best of Affiants knowledge and belief, is an accurate representation of Affiants observations and factual conclusions with respect to the Blue Mound Plumbing site.

Michael Warnick

Subscribed and Sworn to before me  
this 18th of November  
2004.

Jennifer Golladay  
Notary Public





# MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

141 S. Main St., Suite 212, Decatur, IL 62523 • phone 217/425-4505 • fax 217/424-1459

## ADMINISTRATIVE CITATION

### MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

MACON COUNTY SOLID	)	1150105018 – MACON COUNTY
WASTE MANAGEMENT DEPT,	)	Blue Mound/Blue Mound Plumbing
Complainant	)	COMPLIANCE FILE
vs.	)	
	)	
Blue Mound Plumbing,	)	
Pete Bourisaw,	)	
Respondent	)	

### WARNING: CORRECTIVE ACTION REQUIRED

To contest the Administrative Citation you have received you must follow the instructions provided in the Administrative Citation. You may be served with additional Administrative Citations if you fail to complete the following corrective actions, and are found to be in violation of Section 21(p) of the [Illinois] Environmental Protection Act. Periodic inspection(s) will be conducted to verify cleanup and compliance, both during the cleanup process and after returning to compliance.

**YOU ARE REQUIRED TO COMPLETE THE FOLLOWING CORRECTIVE ACTIONS:**

- #1 **Immediately cease all open dumping.**
  - Do not dispose of any of the waste by open burning.
- #2 **By December 01, 2004, you must remove all waste to a permitted landfill or transfer station. Scrap metal not disposed at a landfill can be taken to a scrap metal facility or recycling center.**
- #3 **By December 01, 2004, you must remove all white goods (i.e., large appliances) to a facility that can legitimately accept them for recycling. White goods cannot be taken to a landfill or transfer station for the purpose of disposal. All Freon-containing appliances must be vacated in accordance with all applicable state and federal regulations. Proof of compliance may be requested..**
- #4 **By December 15, 2004, you must submit to the Macon County Solid Waste Management Department, copies of receipts that document the proper disposal or recycling of the wastes.**

**WRITTEN RESPONSE REQUIRED**

Within forty-five (45) calendar days of the date of this Citation, you must submit writing:

1. Information in rebuttal, explanation, or justification of each alleged violation;
2. A proposed Compliance Commitment Agreement (CCA) that spells out how you plan to rectify each violation (including time frames) and return the area to compliance. If you feel compliance has already been achieved, please state such in your CCA;
3. If you desire, a request for a meeting with the Macon County Solid Waste Management Department regarding the alleged violations.



**Your written response of all documents submitted in reply to this notice must be sent, via certified mail return-receipt, to:**

**Macon County Solid Waste Management Department  
Attn: Michael Warnick, Environmental Inspector  
141 South Main Street, Room 212  
Decatur, IL 62523**

On any correspondence you send concerning this matter, please reference the IEPA designated facility number and facility name listed on the first page of this notice.

Failure to comply with the requirements of this notice may, at the sole discretion of the Macon County Solid Waste Management Department, result in the case being referred to the Macon County State's Attorney for prosecution.

An Administrative Citation carries a fine of \$1,500.00 for a first offense and \$3,000 for a second or subsequent offense for violation of any provision of Section 21(p).

MACON COUNTY SOLID WASTE MANAGEMENT DEPARTMENT

By: Michael Warnick

Michael Warnick  
Inspector

Date: November 17, 2004

**CERTIFIED MAIL #: 70022410000092600113**

Enclosure

cc: Rich Gerard, Illinois Environmental Protection Agency  
Ellen Robinson, Illinois Environmental Protection Agency  
FOS File



LPC # 1150105018

Inspection Date: 09/29/2004

	(7)	Deposition of General Construction or Demolition Debris; or Clean Construction or Demolition Debris	<input checked="" type="checkbox"/>
9.	55(a)	<b>NO PERSON SHALL:</b>	
	(1)	Cause or Allow Open Dumping of Any Used or Waste Tire	<input type="checkbox"/>
	(2)	Cause or Allow Open Burning of Any Used or Waste Tire	<input type="checkbox"/>
<b>35 ILLINOIS ADMINISTRATIVE CODE REQUIREMENTS SUBTITLE G</b>			
10.	812.101(a)	FAILURE TO SUBMIT AN APPLICATION FOR A PERMIT TO DEVELOP AND OPERATE A LANDFILL	<input checked="" type="checkbox"/>
11.	722.111	HAZARDOUS WASTE DETERMINATION	<input type="checkbox"/>
12.	808.121	SPECIAL WASTE DETERMINATION	<input type="checkbox"/>
13.	809.302(a)	ACCEPTANCE OF SPECIAL WASTE FROM A WASTE TRANSPORTER WITHOUT A WASTE HAULING PERMIT, UNIFORM WASTE PROGRAM REGISTRATION AND PERMIT AND/OR MANIFEST	<input type="checkbox"/>
<b>OTHER REQUIREMENTS</b>			
14.		APPARENT VIOLATION OF: ( <input type="checkbox"/> ) PCB; ( <input type="checkbox"/> ) CIRCUIT COURT CASE NUMBER: ORDER ENTERED ON:	<input type="checkbox"/>
15.	OTHER:		<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

*Michael Warmist*

Signature of Inspector(s)

Informational Notes

1. [Illinois] Environmental Protection Act: 415 ILCS 5/4.
2. Illinois Pollution Control Board: 35 Ill. Adm. Code, Subtitle G.
3. Statutory and regulatory references herein are provided for convenience only and should not be construed as legal conclusions of the Agency or as limiting the Agency's statutory or regulatory powers. Requirements of some statutes and regulations cited are in summary format. Full text of requirements can be found in references listed in 1. and 2. above.
4. The provisions of subsection (p) of Section 21 of the [Illinois] Environmental Protection Act shall be enforceable either by administrative citation under Section 31.1 of the Act or by complaint under Section 31 of the Act.
5. This inspection was conducted in accordance with Sections 4(c) and 4(d) of the [Illinois] Environmental Protection Act: 415 ILCS 5/4(c) and (d).
6. Items marked with an "NE" were not evaluated at the time of this inspection.

**LPC #1150105018 - Macon County  
Blue Mound/Blue Mound Plumbing  
FOS File**

**Inspector(s): Michael Warnick**

**Inspection Date: Wednesday September 29, 2004**

## **Inspection Report Narrative**

This site was inspected by Michael Warnick representing the Macon County Solid Waste Management Department on September 29, 2004. The inspection occurred between 8:21 and 8:27 in the morning. Weather conditions at the time of the inspection were of sunny skies, moderate wind conditions, and temperatures in the 50's. Two photographs were taken, no one was interviewed, and no samples were collected.

## **General Information/Site History**

This site is located in Southwestern Macon County. The property is located in the Village of Blue Mound, in the 400 block of Railroad Avenue. The reason for the inspection was to investigate possible violations of the Illinois Environmental Protection Act due to open dumping of waste to the south of the building. A prior inspection of this facility was conducted on February 25, 2004. That inspection found violations of open dumping of plumbing fixtures and construction and demolition debris, as well as violations of open burning. An ACWN was issued and responded to by the business owner. The violations were corrected by April 15, 2004.

## **Inspection Findings**

I arrived at the property and immediately noticed that open dumping of plumbing fixtures and construction and demolition debris had resumed on the south side of the business. I walked over to the waste pile, and noticed several water heaters, furnaces, PVC pipe, and Freon cylinders (photographs 1 & 2). I was able to count nine cylinders of Freon 22, eleven water heaters, two furnaces, several sections of PVC pipe, ten bags of relatively new shingles, an air conditioner and a sink that were open dumped in a pile on the south side of the business.

At the time of the inspection, I did not make contact with the business owner. I left the property and ended my inspection at 8:27.

## Summary of Apparent Violations

**Environmental Protection Act ILCS 5/1 et seq.** (formerly Ill Rev. Stat. Ch. 111 ½, 1001 et seq.) {hereinafter referred to as the "Act"}

**Section 21(a) of the Act.** No person shall cause or allow the open dumping of any waste.

- This section is marked because waste was observed that had been open-dumped.

**Section 21(d), (1) of the Act.** No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation...without a permit granted by the Agency, or in violation of any conditions imposed by such permits.

- This section is marked because waste was disposed of and stored without a permit on file.

**Section 21(d), (2) of the Act.** No person shall conduct any waste-storage, waste-treatment, or waste-disposal operation...that is in violation of any regulations or standards adopted by the board under this Act.

- This section is marked because waste was disposed of in violation of regulations and standards adopted by the board.

**Section 21(e) of the Act.** No person shall dispose, treat, store, or abandon any waste, or transport any waste into the State of Illinois for disposal, treatment, storage, or abandonment at/to sites not meeting requirements of the act.

- This section is marked because waste was disposed of in a manner that does not meet the requirements of the Act.

**Section 21(p), (1) of the Act.** No person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site...Litter

- This section is marked because open dumping resulting in litter was observed at the time of the inspection

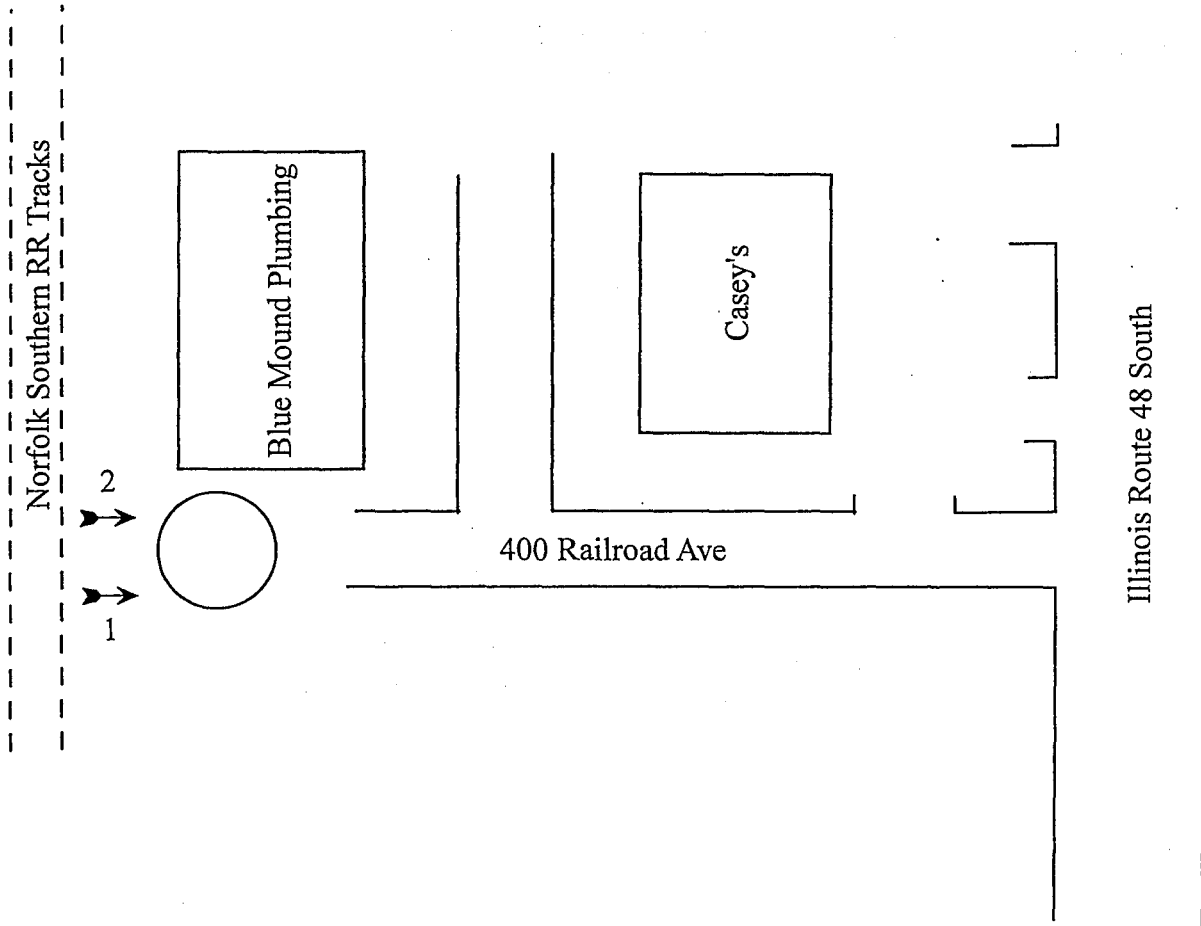
**Section 21(p), (7) of the Act.** No person shall cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site... General Construction or Demolition Debris as defined in Section 3.160(a) of this Act.

- This section is marked because the open dumping of General Construction and/or Demolition Debris was observed.

**Section 812.101(a) of 35 Illinois Administrative Code Requirements Subtitle G.** Failure to submit an application for a permit to develop and operate a landfill.

- This section is marked a landfill is being operated, but no application has been submitted to the Agency and/or Board to develop and operate a landfill.

Site sketch for Pleasant View/Blue Mound Plumbing  
Site #1150105018 - Macon County  
Inspector(s): Michael Warnick  
Inspection Date: Wednesday September 29, 2004



\* Drawing not to scale  
Arrows indicate direction/location of photographs

# INSPECTION PHOTOS

**DATE:** 09/29/2004

**SITE #:** 1150105018

**COUNTY:** Macon

**TIME:** 08:23am

**SITE NAME:** Blue Mound/Blue Mound Plumbing

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: East



**PHOTO #:** 01

**DATE:** 02/25/2004

**TIME:** 08:23am

**PHOTOS TAKEN BY:**  
Michael Warnick

**COMMENTS:** Photo  
Taken Toward: East



**PHOTO #:** 02